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## QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS

### Letter dated 15 September 1995 from the Permanent Representatives of Finland and Thailand to the United Nations addressed to the President of the General Assembly

As Vice-Chairmen of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, we have the honour to forward the compendium of observations and assessment of the two Vice-Chairmen, their discussion papers, as well as proposals and other documents presented to the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council (see annex).

We shall be grateful if the above-mentioned document could be circulated as an official document of the General Assembly under agenda item 33.

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| (*Signed*) Wilhelm BREITENSTEIN<br>Permanent Representative of Finland<br>to the United Nations | (*Signed*) Nitya PIBULSONGGRAM<br>Permanent Representative of Thailand<br>to the United Nations |

## ANNEX

## Compendium of observations and assessment of the two Vice-Chairmen, their discussion papers, as well as proposals and other documents presented to the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council

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A/AC.247/1

15 September 1995

## I. OBSERVATIONS ON AND ASSESSMENT BY THE VICE-CHAIRMEN OF THE PROGRESS OF THE WORK OF THE OPEN-ENDED WORKING GROUP ON THE QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND OTHER MATTERS RELATED TO THE SECURITY COUNCIL DURING THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY

### Introduction

1. This document is prepared by the Vice-Chairmen of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council in their personal capacity. The purpose of this document is to:

- provide more detailed insight into the progress of the work of the Working Group during the forty-ninth session of the General Assembly;
- reflect accurately the dynamism and richness of the discussions in the Working Group during the forth-ninth session of the General Assembly;
- encapsulate the various ideas and proposals that were presented to the Working Group since January 1995; and
- present observations and assessment of the Vice-Chairmen on the work of the Working Group at its present stage, as well as to offer their suggestions on the future work of the Working Group.

It is hoped that this document could serve as a useful contribution to the work of the Working Group as it proceeds toward the negotiating phase.

2. In an attempt to reflect faithfully the nature and substance of the discussions in the Open-ended Working Group during the forty-ninth session of the General Assembly as well as to highlight what the Vice-Chairmen believe are the main issues relevant to the work of the Open-ended Working Group, this document is organized around three major topics, namely, Cluster I (Equitable Representation on and Increase in the Membership of the Security Council), Cluster II (Other Matters Related to the Security Council), and suggestions for the work of the Open-ended Working Group during the fiftieth session of the General Assembly. Fully aware that the Open-ended Working Group has not concluded its discussions on the first two topics, following are the summary of discussions on the topics at their present stage,

including the Vice-Chairmen's observations and assessment, and the Vice-Chairmen's comments and suggestions for the future work of the Open-ended Working Group.

## Cluster I: Equitable Representation on and Increase in the Membership of the Security Council

### I. The Expansion of the Security Council

3. Discussions showed that there was agreement in the Open-ended Working Group on the need to strengthen the effectiveness of the Security Council by an increase in its membership in order to reflect more accurately the important international changes that have taken place, including the substantial increase in the membership of the United Nations, especially of developing countries. Discussions further showed that there was agreement on the need to review the Council's composition, its working methods, and other matters related to its functioning. It was recognized that the principles of the sovereign equality of all Members of the United Nations and equitable geographical distribution and representation as well as the concepts of transparency, legitimacy, effectiveness and efficiency should guide the work on the reform of the Security Council. On the basis of the agreement that the membership of the Security Council should be enlarged, the Open-ended Working Group continued its discussion on the scope and nature of such enlargement.

### II. The composition and size of the Security Council

4. A variety of proposals were made on the optimal composition and size of an expanded Council. A number of delegations sought an increase in both permanent and non-permanent membership. Some delegations supported an increase in just one of the existing categories, although a number of delegations rejected an increase in permanent membership alone. Others introduced a new category, new categories, a new type, or new types of membership. Some delegations argued that the size of an increase in one category would affect the size of an increase in the other. A large group of delegations felt that if there is no agreement on other categories of membership, expansion should take place only, for the time being, in the non-permanent category.

5. There was growing support for a Council with a total size in the mid to low 20s. Many who sought to increase permanent membership advocated an increase of five seats. A large group of

delegations suggested that an enlarged Council should comprise at least 26 members.

## III. Permanent membership

### A. Principles governing the possible expansion of permanent membership

6. In addressing the issue of permanent membership of the Council, most delegations focussed on whether the permanent membership category should be expanded, and if so, how. A number of delegations insisted that the principle of equitable geographical distribution necessitated an increase in permanent members that would reflect the current membership of the United Nations. Equally, a number of delegations sought permanent representation for those States whose present world positions reflect global shifts that have taken place since 1945 in economic and political influence and power, and in the capacity to share global responsibility for the maintenance of international peace and security. For those delegations an increase in the permanent membership would strengthen the United Nations and increase its legitimacy through bringing the Organization closer to present-day global realities. Other delegations argued against enlarging this category of membership on the grounds that appointing new permanent members would work against the principle of democratization in international relations. In their view a mistake was made in San Francisco in 1945 with the creation of a permanent membership category in the Security Council; the same mistake should not be repeated. Many delegations expressed strong opposition to an increase in permanent members for the reasons that this would run contrary to the principle of the sovereign equality of all UN members, and would exacerbate the disparity already existing in the Security Council. They also maintained that appointing new permanent members would not help to improve Council efficiency and effectiveness. Many delegations stated that an expansion in the permanent membership category that only resulted in increase of industrialized countries in the Council would be unacceptable. Some delegations expressed the need for a periodic review of permanent members and a few sought a means by which a member's permanent status could be terminated.

### B. Criteria for new permanent members

7. There were differing views on the need to elaborate criteria for new permanent members. Some questioned the need for an elaboration of criteria since this was an issue for political negotiation and decision. Others suggested a range of criteria including: those contained in Article 23 (1) of the Charter, which are applicable at present only to the selection of non-

permanent members; adequate representation for developing countries; population size; size of economy and future potential; willingness to contribute to, and consistency in support for, peace-keeping and UN political and economic activities; and financial contributions to the UN, including to voluntary funds and programmes. Some of those who favored an increase in permanent members also made implicit or explicit references to a number of States, from both developed and developing countries, thought to be possible candidates for permanent membership.

### C. Modalities of the selection of possible new permanent members

8. Views were similarly divided on how, if there was to be an expansion in permanent membership, such members should be selected. Some delegations favored a global approach whereby the General Assembly would choose the new permanent members, possibly on the basis of an agreed formula for regional distribution. Others believed that primary responsibility for selection should lie with regional groups, with the possible need for endorsement by the General Assembly.

## IV. Non-permanent membership

### A. Principles governing the possible expansion of non-permanent membership

9. There was strong support for enlarging the non-permanent membership of the Council, on the basis of the need to ensure equitable geographical representation. A number of delegations referred to the fact that the membership of the United Nations has considerably increased since the last enlargement in non-permanent membership took effect in 1965, warranting a further expansion in this category. The legitimacy of the Council to act on behalf of the whole membership, as required under Article 24 (1) of the Charter, would hence be strengthened. Many insisted that the increase in non-permanent members should be limited to avoid impairing the efficiency and effectiveness of the Council. Others countered with the arguments that such an increase would not impair efficiency and could in fact lead to improved Council effectiveness. They also stressed that the enlargement of the membership in this category provides better opportunities for more States to serve on the Council, in accordance with the principle of equitable geographical distribution, contributing to further democratization of the United Nations and its principal organs.

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### B. Criteria for the selection of new non-permanent members

10. The criteria in Article 23 (1), namely the contribution of Members to the maintenance of international peace and security, to the other purposes of the Organization, and equitable geographical distribution, were strongly supported as appropriate criteria in considering the enlargement of the non-permanent membership. However, a few delegations were concerned that the present criteria had not effectively ensured that all UN Members have had an equal opportunity to serve on the Council. It was generally recognized that the representation of Asia, Africa, and Latin America and the Caribbean should be enhanced on the Council. The adequacy of the present representation of Eastern Europe was also questioned.

### C. Possible changes in the modalities for the election of non-permanent members

11. An argument was advanced that the opportunities for UN Members to serve on the Security Council are not equal; some larger States are frequently re-elected to the Council whilst a number of other UN members have never served on it. Some delegations pointed to the lack of uniformity in the way UN regional groups selected candidates for non-permanent membership. In this connection, with reference to the system of rotation used by the African group in contrast with the practice of other groups, it was suggested that the selection procedures of the different UN groups could be unified to ensure equality of treatment across regions. Another proposal was put forward with the intended effect of regularizing the current practice of selecting some States more regularly for non-permanent membership of the Council. This envisaged a formula by which certain agreed named States would be elected to additional non-permanent seats on the Council on a more frequent basis than others. Views were expressed both in support of, and against, lifting the ban on immediate re-election of non-permanent members contained in Article 23 (2). Some delegations suggested that this question depends on other aspects of a proposed package agreement.

## V. New categories of membership and alternative proposals for an increase in the present categories

12. Proposals were made for the creation of a new category, new categories, a new type, or new types of membership. Some of these proposals entailed an allocation of seats to be occupied by States who would serve longer and/or more frequent terms than existing non-permanent members. Some of them envisaged the sharing of seats by two or more States, or by a regional grouping or organization. A number of delegations insisted on retaining

only the two categories established by the Charter. An alternative proposal for an increase in the non-permanent membership category was also made; this envisaged a formula referred to in paragraph 10 above. Concern was expressed that a new category or categories, and some other proposals relating to the expansion of the Council, could have the effect of relegating the majority of members to third-class status, or restricting their opportunity of election to the Council. There were also delegations which wished to keep these proposals as options for future consideration.

## VI. Voting procedure in the Security Council, including the veto[1]

13. There was extensive discussion on voting procedure in the Security Council, particularly on the question of the veto. Most delegations emphasized that any genuine reform of the Council must address the veto. A large number of delegations regarded the veto as anachronistic and sought its eventual abolition. They argued that the mere existence of the veto constituted a constant threat to the decision-making process in the Security Council. Opponents of the veto asserted that it was intrinsically undemocratic, and that its existence is contrary to the principle of the sovereign equality of all Member States. Some felt that it had severely impaired the work of the Security Council during the first four decades of the United Nations. Supporters of the veto asserted that it was never intended to be democratic, but rather had been a useful device which had helped to preserve unanimity among the Permanent Members, and had ensured the continued participation of the major powers in the Organization. The veto was viewed as useful in helping to guarantee that the decisions taken by the Council were balanced, as well as providing stability, preventing conflicts between major powers which could undermine UN collective security.

### A. Limitations in the scope and use of the veto

14. A large number of delegations proposed that the veto should be limited in its scope and use. Proposed restrictions included: removing the use of the veto from decisions concerning the admission of new UN Member States; the sending of investigative missions of the Council under Chapter VI; decisions relating to

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[1] Although questions relating to the veto have been considered by the Open-ended Working Group under both Clusters I and II, they are addressed here only under Cluster I in order to show clarity and consistency of presentation.

provisional measures under Article 40 of the Charter; measures under Article 50 of the Charter relating to economic problems of third countries arising from UN-imposed sanctions; the recommendation for the appointment of the UN Secretary-General; issues relating to humanitarian law, e.g. a decision calling for a cease-fire; and disputes to which a permanent member is a party. A number of delegations advocated permitting veto use only for decisions taken under Chapter VII of the Charter, and others suggested that two or more negative votes by permanent members should be required for a veto to take effect. In this connection, reference was made to the Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council, dated 7 June 1945, and General Assembly Resolution 267 (III) of 14 April 1949.

15. Some pointed to the fact that procedural issues under Article 27 (2) are not subject to a veto, and that an examination be undertaken to determine which decisions should be considered procedural in nature. Reference was made to the recommendations of the Interim Committee and General Assembly Resolution 267 (III) of 14 April 1949 in this regard. It was emphasized that certain measures to limit the scope of the veto would not require an amendment to the Charter, but could be achieved through revisions to the Provisional Rules of Procedure of the Security Council, current practices within the Council, and General Assembly resolutions. A few delegations opposed any restrictions on veto use, and argued that it was difficult in practice to separate decisions taken under Chapter VI and VII. They also pointed out that there are a number of severe legal, political and substantive problems involved in limiting the use of the veto and that it would be advisable not to spend too much time discussing the veto as presently constituted. Others acknowledged the recent restraint by permanent members in the use of the veto, and regarded this as a positive step forward.

### B. Extension of veto to possible new permanent members

16. Views differed as to whether possible new permanent members should be granted the right of veto. Those who supported the granting of the veto to new permanent members argued against the creation of a new category of second-class permanent members. In this respect, they pointed out that equal treatment for current and new permanent members was an important principle. Some delegations argued that since all permanent members would have the same obligations, they, particularly those which were developing countries, should be entitled to the same privileges. Moreover, some delegations argued that the present imbalance in the Security Council would only be partially redressed if new permanent members were denied the right of veto. Delegations who opposed granting the veto to new permanent members regarded any

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such extension as furthering an inherently undemocratic privilege which should actually be restricted and eventually abolished in the post-Cold War world. They felt that any extension of the right of veto would be contrary to the principle of the sovereign equality of States and the spirit of cooperation in the collective security system. Opponents of such an extension also feared that it could prove detrimental to the Security Council's efficiency and effectiveness and could reinforce prevailing regional imbalances.

17. It was suggested that new permanent members could make unilateral declarations on their intentions to restrict veto use. This proposal was supported by some delegations but others had doubts regarding the actual effect of such political declarations. A number of delegations believed that the question of the extension of the veto could only be decided after an agreement had been reached on whether or not there would be new permanent members and on who would occupy these seats.

### C. De facto privileges

18. Some delegations cited the de facto privileges enjoyed by permanent members, including permanent representation in UN bodies such as the International Court of Justice, the Economic and Social Council and the General Committee of the General Assembly. It was suggested by these delegations that a review be undertaken of both the current privileges of permanent members and whether these privileges should accrue to new permanent members. Other delegations questioned the existence of such privileges, citing that the permanent members of the Security Council had always to stand for election to other UN organs and bodies.

### D. Voting majority

19. A number of delegations drew attention to the need to examine the voting majority prescribed in Article 27 (3) for an enlarged Council, with some advocating retaining a proportionally similar figure.

## VII. Periodic reviews

20. Many delegations welcomed the proposal that the size and composition, as well as the veto and other voting procedures, of the Security Council be periodically reviewed. Some delegations, on the other hand, had reservations over the concept of periodic review. Some delegations argued that to have periodic reviews would be tantamount to an admission of failure in the current reform process, while others asserted that periodic reviews would

bring about a situation in which some States would be perpetually conducting electoral campaigns. A number of delegations pointed out, however, that the concept of review had been an integral part of the UN from the beginning and could be activated by invoking Article 109 of the UN Charter.

## Cluster II: Other Matters Related to the Security Council

### A. Measures taken and practices adopted by the Security Council to enhance its transparency and working methods

21. Those steps already taken by the Security Council to enhance the relationship between the Council and the general membership, and to improve its working methods and procedures, were widely welcomed. The adoption of many of these recent measures was seen, to a large extent, to be prompted by discussions within the Working Group. While many delegations felt that significant progress had been achieved in this area, others expressed considerable concern that the Council had neglected to implement some of its planned improvements in transparency and working methods. In this context the Working Group welcomed the following measures and new practices initiated by the Council:

(i) daily or twice-a-week briefings by the President of the Security Council, or by the delegation of the President, to the non-members of the Council;

(ii) meetings between members of the Council, troop-contributing countries and the Secretariat to facilitate the exchange of information and views regarding different aspects of peace-keeping operations, including all mandate renewals;

(iii) consultations by the President of the Security Council with interested countries on issues the Council is considering;

(iv) greater recourse to open meetings of the Council, in particular, at an early stage in its consideration of the subject;

(v) daily publications in the Journal of the provisional agenda of both formal meetings of the Security Council and informal consultations of Council members;

(vi) monthly circulation of the Security Council's tentative forecast of its programme of work for the upcoming month including a list of forthcoming reports by the Secretary-General as requested by the Council as well as the schedule of forthcoming reviews and renewals of mandates of peace-keeping operations and of sanctions regimes;

(vii) availability of draft Security Council resolutions in their "blue", or provisional, form at the same time Council members receive them;

(viii) rationalization of work and the documentation of the Council, including removal of a number of items from the list of matters of which the Council is seized;

(ix) a number of suggestions to make the procedures of the Sanctions Committees more transparent; including:

a) the practice of issuing press releases after meetings of the Committee;

b) the Status of Communications lists under the "No Objection" procedure prepared by the Secretariat to be made available to any delegation which wishes to have a copy;

c) a list of all decisions by each active Committee to be prepared by the Secretariat, on a regular basis, and be made available to any delegation which requires it;

d) the annual report of the Security Council to the General Assembly to contain, in the Introduction, more information about each Committee than it does at present;

e) an annual report to the Security Council to be prepared by each Committee, providing a concise indication of each Committee's activities;

f) an effort to be made to expedite the preparation of the summary records of each Committee; and

g) the practice of hearing comments by States and organizations concerned during closed meetings of the Sanctions Committees on issues arising from implementation of sanctions regimes imposed by the Security Council to be continued while respecting the existing procedures followed by such Committees.

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22. The establishment of the Informal Working Group on Documentation and Other Procedural Matters of the Security Council was seen as a positive step and acknowledged as a valuable contribution to developments in the working methods and practices of the Council.

## B. Institutionalization and review of measures and practices taken to improve the working methods of the Council

23. Several delegations sought the institutionalization and periodic review of the measures and practices specified in paragraph 21 to ensure their systematic implementation by the Security Council and its successive presidencies. Others argued that the prior listing of these measures and practices in Council Presidential Statements represented adequate formalization whilst retaining necessary flexibility. While acknowledging the utility of the current briefings some delegations sought its periodic review. Some also sought a method by which the General Assembly could be regularly briefed on matters under Council consideration.

## C. Consultations with interested parties

24. Support was given in the Open-ended Working Group for the wider consultations conducted by the Security Council with concerned or interested parties, including regional arrangements and organizations. A number of delegations sought to enhance and expand such consultations; in the event of a significant Charter revision some sought a new provision stating that the Council shall inform and consult interested Member States on its work.

## D. Consultations with troop contributors

25. The recent increased consultations between the Security Council, the Secretariat and troop contributing Member States were also welcomed. There was support for reviewing recent practice with a view to modifying and expanding consultations, for example by increasing their frequency and regularity, or initiating consultations with potential troop contributors before decisions are taken on launching or modifying the mandate of peace-keeping operations.

## E. Review of the provisional rules of procedure of the Council

26. A comprehensive review of the Security Council's provisional rules of procedure was supported by many delegations, either to facilitate the amendment of specific provisions or to approve the removal of their designation as "provisional". Others saw no necessity for their modification or finalization. They argued

that the provisional rules of procedures have served the Council well and provided a degree of flexibility.

### F. Improving the work of the sanctions committees

27. While there was support for the initial steps taken by the Council to enhance transparency in the work of its sanctions committees, a large number of delegations felt the transparency and efficiency of these committees could be improved further. A number of delegations urged that attention be given to the implementation of sanctions measures and the elaboration of a mechanism under Article 50 for compensating third parties affected by UN-authorized sanctions.

### G. Enhancing the Council's information gathering and analysis capability

28. The Security Council may consider conducting further studies on ways and means to enhance the analytical, fact-finding and information gathering capability available to the Council, particularly for the benefit of those Member States serving on the Council that do not possess adequate technological and related capacity. It was stressed that information from the Secretariat to the Security Council and the General Assembly should be systematic, transparent and continuous. It was also suggested that the potential role of ECOSOC in furnishing information to the Council could be considered in this context.

### H. Relationship between the Security Council and other UN organs

29. It was generally recognized that the questions concerning the relations between the Security Council, the UN membership and principal and subsidiary organs of the United Nations were among the most important issues faced by the Working Group and that it was important to return to deal with them adequately. Many delegations commented on the relationship between and the respective competencies of the Security Council and other organs of the United Nations, particularly the General Assembly in relation to Articles 10, 11, 12 and 14; the International Court of Justice, and issues relating to judicial review; the Economic and Social Council; as well the Secretariat. Many delegations sought to augment the annual report of the Security Council to the General Assembly, specifically by providing a more analytical appraisal of the work of the Council rather than adding statistical information. Some delegations advocated supplementary _ad hoc_ and/or periodic reports.

## I. Other matters

30. Discussions were initiated on the relationship between efficiency and effectiveness in the Council, decision-making in accordance with the provisions of the Charter, and modalities relating to Charter amendment and subsequent ratification.

## Suggestions for the work of the Open-ended Working Group during the fiftieth session of the General Assembly

31. In the judgement of the Vice-Chairmen, important progress has been achieved during the past two sessions and the groundwork necessary for the reform of the Security Council has been laid. However, it is also important to recognize that much remains to be done before a comprehensive agreement can be reached among all Member States. In order to arrive at such an agreement, the momentum of the work of the Open-ended Working Group must be maintained. Without serious effort to retain this momentum, the status quo would prevail. Repetition of past work and discussions should be avoided and Member States must be prepared to move on to the next phase of the work, i.e., a process of actual negotiations.

32. While acknowledging that several delegations do not wish to set any artificial deadlines for the conclusion of the work of the Open-ended Working Group, the Vice-Chairmen believe that Member States should take full advantage of the momentum offered by the fiftieth anniversary of the United Nations and aim for substantial achievements during the fiftieth session of the General Assembly.

33. Towards this end, the Vice-Chairmen suggest the following for the future work of the Open-ended Working Group during the fiftieth session of the General Assembly:

a) While taking into account all the views expressed and proposals made by the various Member States, the Vice-Chairmen's non-papers should continue to serve as a basis for discussions within the Open-ended Working Group. The non-papers should be periodically revised and updated to reflect the latest stage of the work;

b) As during the forty-eighth and forty-ninth sessions, the Secretariat should prepare a compilation of views and positions expressed during the general and item debates of the fiftieth session of the General Assembly as well as during the Special Commemorative Meeting of the Fiftieth Anniversary of the United Nation;

c) The format of discussions followed during the forty-eighth and forty-ninth sessions, namely, alternating formal open-ended Working Group meetings with open-ended informal consultations, should be maintained. The latter, in particular, should commence as soon as possible. The transparent and open-ended nature of all meetings should be strictly observed. Similarly, the method of alternating the discussions on Cluster I and Cluster II should continue in order to provide delegations with ample time to reflect on issues in each of the Clusters;

d) Using Cluster I and Cluster II non-papers as a basis, future discussions within the Open-ended Working Group should focus on ways in which ideas could be crystallized and differences could be narrowed. The Vice-Chairmen are confident that, through this approach, a single negotiating text could in due course emerge from the Open-ended Working Group's discussions, consultations, and negotiations.

A/AC.247/2

9 January 1995

## II. SUGGESTED LIST OF QUESTIONS TO BE ADDRESSED BY THE OPEN-ENDED WORKING GROUP ON THE QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL

The present non-paper has been prepared by the Permanent Representatives of Finland and Singapore, Vice-Chairmen of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council in 1994, in the light of informal consultations held on behalf of the President of the General Assembly, on 21 and 24 October and 15 November 1994.

Attached is a list of questions on the two main areas of discussions on this subject. The questions, which are not new, will need to be discussed in some detail. These questions are neither exclusive nor exhaustive. The order of the listing of the questions does not indicate any order of priority. The questions represent an attempt to facilitate a systematic and constructive exchange of views in the Working Group.

## SUGGESTED QUESTIONS FOR CLUSTER 1

1 Permanent membership

(a) Should the number of permanent members be increased? If so, by how many?

(b) Which Member States should become new permanent members?

(c) What is the basis for selecting new permanent members?

(d) What would be their responsibilities, obligations and privileges?

2 Non-permanent membership

(a) Should the number of non-permanent members be increased? If so, by how many?

(b) Would the criteria in Article 23 (1) of the Charter of the United Nations suffice for selecting new non-permanent members?

(c) What should be the ratio of non-permanent members to permanent members in the Security Council?

3 Other categories of membership: regional, semi-permanent and other types

(a) Is there a need to have other categories of membership in the Security Council? If so, what should these be?

(b) What should be the basis for selecting members of such new categories?

(c) What would be their responsibilities, obligations and privileges?

4 Veto

Should the veto power be retained, modified or limited? If so, how can this be achieved?

## 5 Size of the Security Council

**(a) The low twenties has been frequently cited as the size of an enlarged Security Council, would it be possible to agree on a narrower range or a specific figure within the low twenties?**

**(b) How would the effective and efficient functioning, transparency and legitimacy of the Security Council and other matters related to the Security Council be affected by an enlargement?**

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# SUGGESTED QUESTIONS FOR CLUSTER 2

1. A number of steps have been taken by the Security Council to enhance the relationship between the Council and the general membership, as well as to improve the working methods and the procedures of the Council. They include:

(i) briefings by the President of the Security Council to the President of the General Assembly and to the chairmen of regional groups;

(ii) consultations and exchanges of information between the Council, troop-contributing countries and the Secretariat regarding different aspects of peace-keeping operations;

(iii) consultations by the President of the Security Council with interested countries on issues the Council is considering;

(iv) daily publications in the Journal of the provisional agenda of both formal and informal meetings of the Security Council;

(v) monthly circulation of the Security Council's tentative forecast of its programme of work for the upcoming month, including a list of forthcoming reports by the Secretary-General as requested by the Council as well as the schedule of forthcoming reviews and renewals of mandates of peace-keeping operations and of sanctions regimes;

(vi) availability of draft Security Council resolutions in their "blue", or provisional, form at the same time Council members receive them;

(vii) removal of a number of items from the list of matters of which the Council is seized;

(viii) orientation debates open to all Member States at the time when the Council is preparing to begin consideration of a new item or an important question.

2. Which steps listed above could be further streamlined, modified, expanded or possibly institutionalized?

3. Should the provisional rules of procedure of the Security Council be retained, modified or finalized?

4. Could the present system of consultations in the Security Council be made more transparent without adversely affecting its decision-making process? If so, how could this be done?

5. Should regular briefings be given on the proceedings in the Security Council? If so, should these be given to the general membership directly by the President of the Security Council or by a member of the UN Secretariat (cf. rule 55: At the close of each private meeting the Security Council shall issue a communique through the Secretary-General.)? Or, should they be given indirectly through the chairmen of regional groups?

6. How could the mechanisms for the gathering and analysing of information on issues under consideration by the Security Council be enhanced?

7. If it is useful to have consultations with Member States in general and the parties to a conflict as well as other parties concerned in particular, how could this be done best?

8. How could the dialogue between the Security Council and the general membership be improved to ensure more effective and just implementation of different sanctions regimes?

9. How could the relationship between the Security Council and the General Assembly be developed?

10. What should be the format of the reports of the Security Council to the General Assembly?

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A/AC.247/3

6 January 1995

## III. PAPER PREPARED BY THE SECRETARIAT ON THE VIEWS EXPRESSED BY MEMBER STATES DURING THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY

1. The present non-paper is prepared solely on the basis of the views expressed by Member States during the general debate as well as the debate on agenda item 33 at the forty-ninth session of the General Assembly.

2. The list of views contained in the present non-paper is intended to provide background material for the Working Group. It should be read together with the two similar compilations dated 28 February and 27 May 1994, respectively. The non-paper is not intended to be a comprehensive summary of every view presented by the delegations concerned; rather, it seeks to identify salient points and broad trends to help facilitate deliberations of the Working Group.

3. The views reproduced in the present non-paper are not indicative of the number of delegations holding a similar position on specific suggestions and proposals. The views were expressed either by one or several Member States. Furthermore, the views reflected in the list are not necessarily literal transcriptions of the exact expressions used by Member States as similar positions have been grouped together under a given category. It should be noted further that the order of listing of the items neither reflects nor implies any order of priority.

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## CLUSTER I: EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL

### A. General

### 1. Principles of membership expansion

The Council should be representative, while avoiding too large an increase that might jeopardize its effectiveness.

One can not avoid changes in the Security Council, which should remain a sufficiently compact and efficient working body...The present status of permanent members should be maintained.

Collective security requires the Council to be genuinely representative of the entire UN membership. A limited expansion of the number of members, paying regard to an equitable geographical participation, should still be a priority for the health of the Organization.

The increase in the membership of the United Nations justifies the enlargement of the Council. The principal criterion continues to be preservation of the effectiveness of the Council. Enlargement should be accomplished on a consensus basis and as a package...The interests of all UN regional groups need to be respected in the reform process.

* * *

Any predetermined selection excluding the Non-Aligned and other developing countries would be unacceptable to the Movement of Non-Aligned countries.

Regarding the Security Council, it is necessary to increase the number of both its permanent and non-permanent members. In doing so, equitable geographical representation and efficiency must be taken into consideration.

It is important to emphasize that the Security Council acts on behalf of the general membership of the United Nations. Unless its actions are based on the widest possible support, Council decisions will not be universally respected, nor be truly effective.

Any reform measures should reflect the interest of every Member State. In this regard, in the course of the expansion of the Council, the principle of equitable geographical distribution should be observed and full consideration should be given to the aspiration and interest of developing countries which account for the majority of the UN membership so as to enable them to play a more active role in UN affairs.

The transformation of the Security Council into an instrument for justification or enforcement of policies of a number of permanent members is not at all compatible with the spirit of the Charter and contradicts the very letter of Article 24, according to which the Council acts on behalf of the entire membership of the Organization. The examples and the debates of the past year on restructuring of the General Assembly and the Security Council have amply shown that the procedures and methodology of the Security Council must be re-evaluated and changed in order to enable the Council to address transparently and in a just and serious manner issues affecting international peace and security.

### 2. Optimal size of an expanded Security Council

The numbers suggested by Member States as the optimal size of an expanded Security Council were: 17 or 18; 19 or 20; about 20; the low twenties; 20 or 21; 21; the middle twenties; 25.

## B. Specific categories of membership

### 1. Permanent membership

#### a) Member States which have explicitly declared candidacies

A number of Member States, including Brazil, Germany, India, Japan and Nigeria, expressed their willingness to accept the responsibilities as new permanent members, if the Security Council was to be expanded.

#### b) Criteria for new permanent members

A country's specific strength - its capacity for constructive global influence, its capacity to undertake and sustain heavy global responsibilities - are a critical test of eligibility for permanent membership.

If consensus can be reached, certain countries, by virtue of their global interests, and their contribution to international security and to UN operations should be invited to accept the responsibilities of permanent membership.

Only a limited number of new seats should be allocated as permanent seats. A measured, realistic extension on the composition of the Council would be appropriate.

It is crucial that permanent members of the Council have the capacity and the political will to assume fully the global responsibilities that come with that status, with regard to the maintenance of international peace and security.

New permanent members of the Security Council should be chosen from among the countries which make an exceptional contribution to achieving the goals of the United Nations Charter.

The international community could, as a measure with immediate advantageous effect, grant an additional non-permanent seat to regions which consider themselves to be under-represented and confer permanent member status on those two economic powers whose positive contribution to world affairs has long been recognized.

One of the most important of the international changes since the establishment of the UN is the emergence of two major economic powers. They should join the Security Council as permanent members.

* * *

This [permanent] category should not be exclusive of large economic powers associated with the West. Mere adding of two or more permanent members to cushion the financial obligations of some veto-wielding powers would not be enough.

United Nations Security Council reform means more than merely adding two or more industrialized permanent members.

A selective, piecemeal expansion of the permanent members' category would not be prudent. The Security Council is not a corporate board, where equity shares determine voting power.

* * *

A more equitable geographical representation is critical, along with an increase in permanent representation for developing countries.

The Non-Aligned and other developing countries make up a majority of the UN's membership. For a fair and due representation of the demands and interests of these countries in the resolution of major international issues, the developing countries should, on all accounts, become permanent members of the UN's Security Council.

Permanent status should be granted to two countries in Africa, two countries in Latin America and Caribbean, and two developing countries in Asia.

The present arrangement where Africa and Latin American regions are not represented at all amongst the veto-wielding permanent members should not be allowed to continue.

The time has come to move away from the anachronism of five permanent members and to establish arrangements which are capable of change with the passage of time and the evolution of events. The time has come for equity for all nations - large and small - in the membership of the Council.

The model that would most simply meet the legitimate aspirations of the largest States presently excluded from permanent membership of the Security Council would involve the creation of 5 new permanent membership seats. Assuming the continuation of the existing regional groups, 3 new Permanent Members would come from Africa and Asia, 1 from the Western European and Other States group (WEOG) and 1 from Latin America and the Caribbean.

Certain developing countries, on account of sheer population numbers and geopolitical realities should be permanent (or indefinite) members; that contributions to the peace-keeping budget should be a relevant criterion for permanent (or indefinite) membership; and that, in both existing categories of membership, adjacent States should be permitted to pool their resources as composite members.

Developing countries have a legitimate right to be represented on the permanent slate of the Security Council, for their concerns are different from those of the industrialized and developed countries. The African and Latin American continents should imperatively have their share of the responsibility incumbent on the Council.

Africa, which consists of 1/3 of the world population, has the right to a permanent seat with veto power in the Security Council.

In line with the principle of geographical and equitable representation, Africa is entitled to an appropriate representation of not less than two permanent seats on the Security Council.

* * *

While the principle of geographic representation is important, it should not be the only criterion to determine eligibility for new permanent members. Other objective criteria are equally important such as political, economic and demographic realities and a country's capability and record of contributing to the promotion of peace, security and economic development, both regionally and globally, as well as the commitment of States to assume the responsibilities inherent to such a status.

Regional representation should not be determined on the basis of the biggest and the most powerful in the region but in accordance with dynamics operating in the region...If regional organizations provide the interlocking network for globalism, clearly the permanent interests of regions must be given preeminence.

It is imperative to achieve a more representative Council without diminishing its decision-making capacity. It is, therefore, better to avoid ambitious projects which would give privileged status to several 'regional powers' according to imprecise criteria but would not reinforce the Council's ability to shoulder its responsibilities.

Any attempt to provide greater representation to various regions should not fuel the tendencies towards hegemony and domination which are manifest in some regions.

An increase in the permanent membership of the Council would only serve to alienate small- and medium-sized countries, which constitute a majority in the General Assembly, instead of enhancing the effectiveness of the Council.

### c) Extension of veto to new permanent members*

It is essential that all permanent members have not only equal responsibilities but also equal prerogatives.

All permanent members should enjoy the same status and privileges and assume the responsibilities incumbent on membership.

* * *

The right of veto should not be granted to any State in any circumstances, whether they may be called permanent or semi-permanent members...Now that the Cold War is over, the right of veto no longer has any justification or raison d'être.

The possible extension of veto to new permanent members would be controversial and lead to an early impasse in the discussion of the Working Group.

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* The question of veto is also discussed in Cluster II. D. "Decision-making in accordance with the Charter"

2. Non-permanent membership

a) General

In enlarging the Council, priority should be given to creating additional seats for non-permanent members allocated under the principle of equitable geographical distribution.

As the Council is unrepresentative, the first steps for reform must be towards increasing the number of non-permanent members.

Non-permanent membership should be expanded at least in proportion to an increase in permanent seats in order to rectify the imbalance in the Council's composition between the North and South.

There is the need for an increase in non-permanent seats, namely an additional three seats, for a total Council membership of 20.

Additional non-permanent seats should be granted to the regions that consider themselves underrepresented.

It would be necessary to take into account all regional groups recognized in the United Nations. In this sense, an additional seat should be granted to each geographic group, including countries from Eastern Europe.

b) Removal of re-election ban

In order to give Member States greater influence over the selection of non-permanent Council members without restricting the opportunity for small countries to serve as Council members, non-permanent seats should be exempted from the prohibition on re-election.

Should agreement not be possible now with regard to permanent seats for countries from the regions of Africa, Asia and Latin America, the following alternative could be considered: To improve the possibilities of representation from the regions, Article 23, Paragraph 2, of the UN Charter should be amended to allow re-election of Member States to the Security Council. At the same time the number of non-permanent seats ought to be increased in favour of these regions. As a consequence, countries with the ability and willingness to contribute more than the average to the UN activities and the maintenance of international peace and security could serve on the Council on a more frequent or even continuous basis.

A compromise should be found in the form of an arrangement or a set of arrangements which, it is generally agreed, improves the representation in the Council. That might mean permanent members

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for certain major countries from the South...It might also mean, either as a complementary or as an alternative formula, an increase in the number of non-permanent members, provided that the increase is only moderate and would not paralyse the Council's work...Making the non-permanent members eligible for another term after their two years in the Security Council would provide some flexibility in the formulas for representation.

### 3. New categories of membership

It may be worth giving consideration to a more complex alternative mode. This alternative model would involve, in addition to the five existing Permanent Members (whose veto power would again be slightly diluted), the creation of eight quasi-permanent seats (allocated among regional groups) for which consecutive re-election would be possible, together with 10 rotating Non-Permanent seats. It would make abundant sense for the existing regional groups to be at the same time modified to reflect post-Cold War realities...On this model, the question of which States become quasi-permanent members, and how long they remain on the Council in that capacity, would be a matter for determination by the regional group in question.

The number of permanent members should be kept at the current five...Instead, non-permanent members should be increased from ten to twenty. The ten new seats would be allotted, in turn, to a group of twenty (or eventually thirty) Member States. The main criteria that could be adopted to identify these countries are already listed in Article 23 of the Charter. The first is their ability and willingness to participate in peace-keeping operations with financial, human and military resources. The main purpose of the Council is to maintain peace...The two other criteria listed in Article 23 are equitable geographic distribution and a country's contribution to the other purposes of the Organization. In addition, other criteria could be taken into consideration, such as population size, economic resources, and willingness to contribute to humanitarian causes...In substance, this formula would guarantee the continuous presence in the Council of the current permanent members, and at the same time a more frequent presence for twenty or thirty mid- to large-size countries. Moreover, the larger number of Members would make it easier to redress the present geographic imbalance on the Council.

New ideas put forward [see above] could provide elements of a solution, and thus merit further study...The concept of semi-permanent seats, to be shared for two-year periods by two or more countries, is particularly interesting and warrants further exploration. The creation of such a category would have the double advantage of allowing countries that more fully meet the requirements of Article 23 of the Charter to sit more frequently

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on the Council, and would lessen the number of candidates for non-permanent member status.

The following points should be emphasized regarding the process of the reform of the work of the Security Council: (1) It must be on a regional basis, not on a specific country basis. (2) The new seats - which may be two additional seats for each region; Latin America, Asia and Africa - must be allocated on the basis of the criteria stipulated in the Charter. (3) It is not essential at this stage to specify the two States from each region who are to occupy the additional seats. The principle of rotation may be applied to several States which meet the criteria agreed upon, taking into account the specific characteristics of each region.

All UN Member States would benefit from establishing a "third category".

The representative weight of the Security Council should be enhanced by enlarging its size and by establishing a more fair and orderly system of rotation within the geographical groups.

A new category with a rotation arrangement, to be determined by regional groups, should be established.

A new category of regional members without the right of veto but with an extended mandate could be created.

Given the difficulties that stand in the way of achieving consensus on new permanent members, especially given the near universal opposition to extending the veto, any concrete proposal which has a realistic chance of success needs to contain options for handling the aspirations of those States with an expressed and widely supported interest in relatively regular membership. The key to successful handling of such aspirations is to look at solutions which are regionally based.

The inclusion of new categories of States - such as that of semi-permanent members - under the principle of equitable geographical distribution should be supported, as long as this allows a more appropriate representativeness and equal operational opportunity. Nevertheless, this innovation must be based on the idea that 'more privileges entail more obligations', including financial ones. New members should be elected for fixed terms, in representation of each region and with a mandate encompassing regional interests. Their re-election might be acceptable provided they have the support of the States in their own region.

* * *

The Council's expansion should take place in the existing categories and on the basis of the present geographical groupings. A radical reorganization of the Council with new categories of members or new geographical arrangements will lead to more complications and retard the progress achieved so far. Such proposals may even require a comprehensive review of the Charter itself.

The distinction between permanent and non-permanent members should remain unchanged. It is an established state of affairs that is accepted by all. To try to modify it by creating a new category of membership would spark an unpredictable debate on determining the new criteria.

A third category of Members should not be created, beyond permanent and non-permanent members. A pragmatic and reasonable solution, to insure a greater representation on the Council, would be to increase non-permanent members by one for each region.

Proposals to introduce a third category of semi-permanent seats would, in our view, not improve the chances for the large majority of Member States to serve more often on the Council. In addition, such a proposal would widen the gap between permanent and non-permanent members. It would marginalize the role and possibilities of a majority of the other countries to influence the Council's decisions. Already in the League of Nations, a system of several classes did not work. Such proposals cannot be supported. What is needed is not greater division but more homogeneity among the members of the Council.

## CLUSTER II: OTHER MATTERS RELATED TO THE SECURITY COUNCIL

### A. Transparency in decision-making process

#### 1. General

A reform of the Charter must be effected in the framework of the need to attain greater democratization and transparency in decision-making, as well as to strike a balance of the existing powers among the different bodies.

Investment in openness that would be achieved by developing a practice of collectively hearing directly from the parties involved would be worthwhile - even if it was done informally.

The Council should meet in official session to hear the United Nations Member States and to talk with States concerned before taking a position on the main questions before it without, of course, giving up the practice of informal consultations.

### 2. Briefings on Security Council proceedings, including informal consultations

While appreciating the efforts exerted to improve the performance of the Council, the persistent practice is still the intensification of informal consultations in the Council, thus marginalizing the role of the majority of Member States in the maintenance of international peace and security. As such, rules of procedure regulating the work of the Council must be established by way of fair objective to guarantee the required transparency.

The Security Council President should brief regularly the chairmen of regional groups on the programme of work of the month...Succinct briefing should also be given by the President at the end of each informal consultation.

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In decision-making, transparency is a good servant but a poor master: Too much transparency will inhibit frank discussion and drive it away from the Council's chambers to settings where privacy can be assured. That would not serve any one's interests.

### 3. Consultations with troop-contributing countries

Proper communication between the Security Council and the troop-contributing countries is particularly important. While the improvements already made in this respect should be acknowledged, further progress is needed. Regular consultations and information-sharing should be instituted between members of the Security Council, the troop-contributing countries and the Secretariat of the United Nations.

Council members should make more regular use of selected troop-contributor meetings to invite comment on resolution elements concerning changes in peace-keeping mandates.

The Council can no longer operate as an exclusive club. Therefore, a subsidiary organ of the Security Council should be created, where all aspects of peace-keeping operations could be discussed with major troop-contributors.

The transparency of the Council's decision-making processes is important, particularly in peace-keeping where the interests of contributor nations are involved.

The Council must make its work methods more transparent and become more receptive to the viewpoints and special concerns of non-member States. More specifically, it is important to have a closer dialogue between the Council and troop-contributing countries. The informal practices that have been developed in recent years are a good start, but practical ways should be found to institutionalize them.

The Secretariat should, as a matter of course, convene meetings with troop contributors and members of the Council for the exchange of information and views in good time in advance of decisions by the Council on the extension or termination of, or significant change in, the mandate of peace-keeping operations.

The recently established practice of holding regular meetings among the heads of current operations, Security Council members and representatives of other interested States should be institutionalized, especially in cases when the Security Council considers the mandate, the composition and the nationality of the contingents involved in the respective peace-keeping operation.

Consultations on peace-keeping operations should also include regional organizations.

A consultative mechanism should be set up by extending Article 44 of the Charter to operations conducted under Chapter VII.

Consultations between members and non-members of the Council should not give way to the temptation to micromanage peace-keeping operations.

### 4. Sanctions committees

The effectiveness of the work of the Security Council would increase considerably if in decision-making process on regional issues the positions of neighbouring countries and States concerned, as well as the respective regional organizations, are taken into consideration. This is particularly important in cases when the Security Council considers the imposition of economic sanctions. It will be useful to prepare and consider in advance a complex evaluation of the negative effect which the economies of the neighbouring countries are expected to suffer. There is also a need for greater transparency of the activities of the sanctions committees. Therefore, meetings should be open to interested States. The respective Chairmen could also conduct briefings after each meeting to inform the States of the decision taken.

## B. Relationship with other primary UN organs

Efforts must be made to improve the representational capacity and efficiency of the Security Council and at the same time preserve the constitutional balance between the various organs of the organization, not least between the Council and the General Assembly.

Many also agree that the authority of the General Assembly in attending to matters of peace and security as asserted by the Charter and the need for greater accountability of the Security Council to the Assembly must be translated from mere words into reality. The United Nations will be able to deal with world issues effectively only when and if all its members are allowed to participate equally in decision-making.

The General Assembly could also make a greater contribution to the development of adequate approaches to the Security Council as well as to less costly and more effective methods of preventive diplomacy and at the same time decrease the need for the Security Council to intervene in armed conflicts.

The General Assembly should be reaffirmed as the highest deliberative decision-making body in the whole United Nations system. Its resolutions should be binding on Member States, and on other organs of the United Nations.

It is necessary that the Security Council allows for more consultation with the General Assembly in its deliberations so that its perspectives may become even more reflective of the world community.

General Assembly decisions must be made binding on the Council, particularly those commanding overwhelming support.

A subsidiary organ of the General Assembly should be created under Article 22 of the Charter in order to contribute to the formulation of the Security Council decisions.

Decisions of the Security Council regarding military intervention and economic sanctions should be endorsed by a two-third majority or by consensus in the General Assembly.

The Security Council must remain the sole master of its decision-making process.

The Economic and Social Council should be strengthened in tandem with the call for a restructuring of the Security Council to respond adequately to the new challenges of international peace and security that have emerged in the wake of the Cold War.

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## C. Working methods of the Security Council

The working methods of the Security Council must be reformed to enhance transparency and express the democratic aspirations of the vast majority of Member States.

It is imperative to re-examine the methods of the work of the Security Council and to take necessary measures to find a solution to the difficulties found in the application of the resolutions of the United Nations, in order that the action of the United Nations gives the desired effect.

It is high time to make the Council's provisional rules of procedure permanent, and adapt them to the realities of today's world.

## D. Decision-making in accordance with the Charter

The present veto system should be maintained for some more time to come.

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We call for the complete cancellation of the veto right as it contradicts the principles of democracy and maintains the hegemony of the minority.

The veto power is outdated and undemocratic and should be abolished.

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If the abolition of veto is politically unrealistic, the use and threat of such power should be restricted.

Veto should not be extended to any new permanent member; at the same time, it would be appropriate to slightly dilute the veto power of the existing 5 Permanent Members by requiring 2 from their number to concur it its exercise.

The question of membership should take into account the large increase in membership of the Organization and put limits on the use of the veto.

A review of the use of the right of veto needs to be subsequently undertaken.

The veto, a creation of power politics of the past, must be part of the total reform of the Council.

The permanent membership and the veto power are not compatible with the democratic system. All members of the Security Council should be elected on the principle of equitable geographical representation.

The veto right should be allowed only in regard to Chapter VII of the Charter decisions.

## IV. OBSERVATIONS ON CLUSTERS I AND II

A/AC.247/4 (a)

12 July 1995

### 1. Observations on Cluster I

NON-PAPER

QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS

### I. Principles on Membership Expansion

**1. In discussing principles concerning the expansion of the Security Council, many delegations emphasized that high importance should be attached to the principles and concepts of equitable geographical representation, legitimacy, and efficiency. In particular, it was pointed out that the principle and concept of equitable geographical representation and legitimacy were closely linked. The composition of an expanded Council should reflect more accurately the universal character of the United Nations and present-day realities by allowing the widest possible participation in the Council's work and decision-making process in an equitable manner. Wider participation in the Council's work would, in turn, lend added credibility and legitimacy to the Security Council's decisions.**

**2. As for efficiency, while some delegations expressed the view that size did not necessarily determine efficiency, most delegations supported the view that the increase in membership should be moderate and that the expanded membership should be able to ensure the efficiency of the Security Council.**

### II. Permanent Membership

#### A. General

**3. Diverse views were expressed on whether or not there should be an increase in the permanent membership. A number of delegations favoured an increase in this category, along with an increase in non-permanent members, while some delegations expressed the view that there should be no changes in the current composition of the permanent membership. On the other hand, there were delegations who questioned the justification for the existence of the permanent membership in the present-day international atmosphere.**

4. Some of those who supported an increase in the permanent membership argued that the increase, based on the principle of equitable geographical distribution, would make the Security Council more representative and democratic. Those delegations who did not support an increase, on the other hand, argued that increase in the permanent membership would not help improve the efficiency of the Security Council. Some of those who favoured an increase in the category also made implicit or explicit references to a number of countries thought to be possible candidates for the permanent membership.

## B. Qualifications for Permanent Membership

5. Some delegations suggested that the Working Group should come up with a set of criteria for the selection of new permanent members. A number of delegations, however, questioned the necessity and timeliness for the discussion and elaboration of criteria for additional permanent members at this juncture since the selection of new permanent members would be a political process and, prior to that, the decision on the increase of new permanent members itself would have to be made through the negotiating process of a package solution.

6. Nevertheless, views were expressed on the qualifications of candidates for permanent membership. While some delegations suggested that the criteria provided by Article 23 (1) of the UN Charter could be applied to new permanent members, others proposed that other criteria should also be taken into consideration. These additional criteria could include: sufficient ability and willingness to contribute resources to the maintenance of international peace and security in a global context (both in military and non-military terms); size of population; distinctive record on contributions to the work of the UN, including contributions to voluntary funds and programmes.

## C. Modality for Selecting New Permanent Members

7. The Working Group discussed the method by which new permanent members would be selected, should there be an agreement to expand the permanent membership. Some delegations proposed that the method of global selection, i.e. election by the General Assembly, should apply, while a number of delegations preferred the method of regional selection, i.e. selection by regional groups. Those who supported global selection felt that the method would be the more practical alternative because it would be quite difficult for regional groups to reach an agreement on the selection of regional

representatives. The proponents of regional selection, on the other hand, believed that the regional approach was more appropriate and that regional groups should have the primary responsibility in selecting their representatives on the Council.

### D. Size

8. Many delegations expressed the view that, if there was to be an increase in the permanent membership, the said increase should be moderate. In this connection, many suggested an increase of five seats or less.

## III. Non-Permanent Membership

### A. General

9. Most delegations agreed that there should be an increase in non-permanent membership and that equitable geographical representation should be the guiding principle for the expansion. Furthermore, many delegations expressed the view that the increase should be to a manageable number and should be in proportion to the increase of permanent members, if any, and to the size of the permanent membership. Many delegations referred to the Non-Aligned Movement's position that, if there was no agreement on other categories of membership, for the time being, expansion should take place only in the non-permanent category.

### B. Criteria for Selecting Non-Permanent Members

10. Most delegations who expressed their view on this matter believed that, as far as the selection of non-permanent members was concerned, the criteria provided by Article 23 (1) were sufficient. Many delegations emphasized that all interested UN members, particularly small States, should have equal opportunity to serve on the Security Council.

### C. Election of Non-Permanent Members

11. Most delegations expressed the view that the current system of electing non-permanent members should be maintained. In this connection, the Working Group also discussed whether or not the provision contained in Article 23 (2) of the UN Charter, on the ban on immediate re-election for non-permanent members, should be maintained. While some delegations spoke in support of the removal of the ban, and others thought that it should be retained, most delegations shared the view that the provision should be examined in the context of the overall agreement on the expansion of the Council, particularly in connection to the decision on the creation of new categories of Council members.

### D. Tenure on the Security Council

12. Most delegations shared the view that non-permanent members of the Security Council should continue to serve two-year terms. Some delegations, however, suggested that, due to their ability to contribute to the work of the UN, some States or groups of States should be allowed to serve longer terms. Each of the terms could range between 4 to 6 years. Such proposals were closely linked to suggestions for the creation of new categories of Council members.

### E. Size

13. While there was agreement that the increase in non-permanent membership was closely linked to the decisions on the increase in permanent membership, the establishment of new categories of membership, and the size of the expanded Security Council, some delegations nevertheless proposed possible numbers and formulae for the distribution of seats for the Working Group's consideration. The proposed number of new non-permanent seats ranged from 3 to not fewer than 11.

## IV. New Categories of Council Members

14. A number of specific proposals for the creation of new types or categories of Security Council membership were presented for the Working Group's consideration. The proposals, although different in detail, all suggested that the new types or categories of members should be inserted between permanent and non-permanent categories of members. In order to ensure that States with exceptional ability to contribute to the work

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of the UN would be able to maintain a continued presence on the Council, members of such types or categories would be allowed to serve longer and/or more frequent terms than non-permanent members. It was also suggested that States belonging to the new types or categories could be designated as "quasi-permanent", "semi-permanent", or "composite" members.

15. Some delegations expressed their objection to these proposals, while others suggested that the proposals deserved to be further examined.

## V. Veto and the Voting Procedure within the Security Council

16. There was an extensive discussion on the veto. Many delegations suggested that the veto should be reviewed in the light of changing international circumstance. In this connection, a number of delegations expressed the view that the veto was anachronistic and should eventually be abolished, while some delegations argued that the veto did have positive aspects which served useful purposes and that it should be maintained.

17. Proposals were made to limit the scope and use of the veto. For instance, it was suggested that the veto should not apply to the admission of new UN Member States, procedural matters in accordance with Article 27 (2) of the UN Charter, disputes to which a permanent member was a party, the Security Council's decision to send investigative missions in accordance with Chapter VI of the UN Charter, issues relating to provisional measures under Article 40 of the UN Charter, measures under Article 50 of the UN Charter relating to economic problems of third countries arising from UN imposed sanctions, recommendation for the appointment of the UN Secretary-General, and issues relating to international humanitarian law, e.g. a decision calling for a cease-fire. Many emphasized that the veto should only apply to decisions taken under Chapter VII of the UN Charter. Several delegations also proposed that two or more negative votes by permanent members should be required for the veto to take effect. Furthermore, with regard to limiting the scope and use of the veto, some delegations made reference to the Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council, dated 7 June 1945, and General Assembly Resolution 267 (III) of 14 April 1949.

18. A number of delegations pointed out that some of the measures to limit the scope and use of the veto could actually be implemented without making amendments to the UN Charter, and instead could be done through revisions of the Provisional Rules of Procedures of the Security Council, current practices within the Council, and General Assembly resolutions.

19. In this connection, a proposal was made that, as a goodwill gesture, current permanent members could exercise voluntary restraint and make unilateral declarations not to use the veto in certain situations and on certain issues. While a number of delegations expressed support for the idea, some did not think that such unilateral political declarations would be useful or have any practical effect.

20. On the question of whether or not new permanent members should be accorded veto rights in the event that there were to be new permanent members, a number of delegations expressed support for the idea that new permanent members should be entrusted with the same rights and obligations accorded to current permanent members. Some delegations expressed opposition to any expansion of the veto. At the same time some delegations pointed out that discussion on the issue should not take place until a decision had been made on who would be the new permanent members. Some delegations also stated that, if accorded the veto right, the new permanent members could commit themselves to unilateral declarations on voluntary restraint on the use of the veto.

21. As far as the voting procedure in the Security Council was concerned, a number of delegations drew attention to the need to address the voting majority prescribed in Article 27 (3), as a consequence of the increase in Security Council membership and appointment of new permanent members.

22. Apart from the question of the veto, other rights and privileges of permanent members in other contexts were also discussed. In this connection, some delegations pointed out that, in addition to their permanent status on the Security Council and their veto power, permanent members were also enjoying other de facto privileges (the so-called "cascade effect") which include permanent representation in UN bodies such as the ICJ, ECOSOC, and the General Committee of the General Assembly. In addition, nationals of the permanent members of the Council also held key senior positions in the UN Secretariat. The question was asked whether new permanent members would also enjoy the benefits of this "cascade effect".

## VI. Size of the Security Council

23. A number of delegations stressed that the size of the expanded Security Council could only be determined when agreement had been reached on all aspects of the increase in membership of the Security Council. Many delegations, however, were willing to state their preferred number of Council members. These numbers ranged from 20 to 33. Most of the proposals, however, now centred around low and mid-20s. At the same time,

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many delegations referred to the position of the Non-Aligned Movement that the enlarged Council should comprise at least 26 seats. Some delegations also submitted specific proposals on the size and composition for an expanded Security Council.

## VII. General Comments and Proposals

24. Some delegations pointed out that, in order to achieve a genuine reform, the expansion of the Security Council should include the increase in both permanent and non-permanent members. A number of delegations, however, expressed the view that it was not necessary to increase the membership in both categories of members to fulfil the objectives of the reform process. To this latter group of delegations, increase of membership could take place only in either one of the categories. Many preferred an increase only in the non-permanent membership.

25. In discussing the ratio between permanent and non-permanent members of the expanded Council, while some delegations expressed the view that the current ratio of 2:1 should be maintained, a number of delegations expressed the view that it was not imperative to maintain the said ratio.

26. Many delegations welcomed the proposal that the size and composition of the Security Council be periodically reviewed. Some delegations, on the other hand, thought that periodic review would be tantamount to an admission of failure in the reform process. Furthermore, it would also bring about a situation in which some States would be perpetually conducting electoral campaigns. A number of delegations pointed out, however, that the concept of review had been an integral part of the UN from the beginning and could be activated by invoking Article 109 of the UN Charter.

27. Finally, the Open-ended Working Group also discussed the expansion of the Security Council in the context of the overall reform. In this connection, many delegations expressed the view that the expansion of the Security Council and the improvement of Security Council's working methods and other related issues should be seen as a package. All matters relating to the reform of the Security Council should be agreed upon at the same time. A number of delegations, however, suggested that progress and implementation of reform in one area should not be impeded by the lack of progress in another and that work in all areas (work on both Clusters) should be allowed to proceed concurrently.

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A/AC.247/4 (b)

5 July 1995

## 2. Observations on Cluster II

## NON-PAPER

## QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS

1. Since the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council started its work, the Security Council has taken a number of steps to enhance the relationship between the Council and the general membership as well as to improve its working methods and procedures. These measures and practices include:

(i) daily or twice-a-week briefings by the President of the Security Council, or by the delegation of the President, to the non-members of the Council;

(ii) meetings between members of the Council, troop-contributing countries and the Secretariat to facilitate the exchange of information and views regarding different aspects of peace-keeping operations, including all mandate renewals;

(iii) consultations by the President of the Security Council with interested countries on issues the Council is considering;

(iv) greater recourse to open meetings of the Council, in particular, at an early stage in its consideration of the subject;

(v) daily publications in the Journal of the provisional agenda of both formal meetings of the Security Council and informal consultations of Council members;

(vi) monthly circulation of the Security Council's tentative forecast of its programme of work for the upcoming month including a list of forthcoming reports by the Secretary-General as requested by the Council as well as the schedule of forthcoming reviews and renewals of mandates of peace-keeping operations and of sanctions regimes;

(vii) availability of draft Security Council resolutions in their "blue", or provisional, form at the same time Council members receive them;

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(viii) rationalization of work and the documentation of the Council, including removal of a number of items from the list of matters of which the Council is seized;

(ix) a number of measures to make the procedures of the Sanctions Committees more transparent:

a) an increase in the practice of issuing press releases after meetings of the Committee;

b) the Status of Communications lists under the "No Objection" procedure prepared by the Secretariat to be made available to any delegation which wishes to have a copy;

c) a list of all decisions by each active Committee to be prepared by the Secretariat, on a regular basis, and be made available to any delegation which requests it;

d) the annual report of the Security Council to the General Assembly to contain, in the Introduction, more information about each Committee than it does at present;

e) an annual report to the Security Council to be prepared by each Committee, providing a concise indication of each Committee's activities;

f) an effort to be made to expedite the preparation of the summary records of each Committee.

The Security Council has established its Informal Working Group on Documentation and Other Procedural Matters to discuss and implement these and other proposed reforms; the Informal Working Group of the Council has met regularly and its work has provided a useful contribution to the continuous reform process of the working methods of the Security Council.

2. In discussing the question of **which steps above could be further streamlined, expanded or possibly institutionalized**, it was widely felt that the Council should periodically review and evaluate these steps. In considering the question of institutionalizing these reforms, some Member States suggested that further formalization is necessary. Others cautioned against the rigidity of formal institutionalization and stressed the need to maintain adequate flexibility and pointed out that the measures had already been formalized and published.

3. In addressing the question of **whether the provisional rules of procedure of the Security Council should be retained, modified**

**or finalized** it was widely felt that the provisional rules should be reviewed in as comprehensive a manner as is possible and practical. It was suggested that in this process the Council might consider whether there is a need to retain the term "provisional" in describing the status of such rules. Some States suggested their prompt finalization, but the view was also expressed that the rules had served the Council well and did not need amendment.

4. Delegations believed that **the measures regarding consultations, described in paragraph one above, have increased transparency without adversely affecting the efficiency of the Security Council.**

5. In addressing the question of **who should give the briefings described in paragraph 1. (i) and to whom**, there was wide agreement that the present system has proven its usefulness and should continue. Some delegations, however, proposed that in order to enhance its efficiency, the system might be periodically reviewed. It was pointed out that the General Assembly should be apprised in an appropriate manner of developments in the Security Council, through such means as briefings by the President of the Council or his/her spokesperson for the General Assembly on all matters which the Council is seized of on a regular basis, particularly on issues of an urgent nature. In this connection, it was also stressed that the relationship between the Security Council and the General Assembly should be based on cooperation and complementarity.

6. Delegations considered that the Security Council, working closely with the Secretariat, should be encouraged to continue its efforts to enhance mechanisms for the **gathering and analysing of information** on issues under consideration by the Council. It was also suggested that there should be a steady flow of information to the Security Council and the General Assembly by the Secretariat. The Security Council may consider conducting further studies on ways and means to enhance the analytical, fact-finding and information capability available for the Council, particularly for the benefit of those Member States serving in the Council that do not possess adequate technological and other such capacity. It was also suggested that the potential role of ECOSOC in furnishing information to the Council, in accordance with Article 65 of the Charter, could be considered in this context. However, the view was also expressed that present information capabilities available for the Council are adequate and no major reforms are necessary.

7. Many delegations welcomed the fact that **the Security Council was conducting consultations more widely with concerned or interested parties, including regional arrangements and organizations.** In this connection, it was also suggested that if the UN Charter is to be amended a new provision could be inserted

mandating the Security Council to inform and consult interested Member States on its work.

8. Several delegations noted **the new practices of the Security Council of consulting more widely with troop contributing Member States**. The decision to consult troop contributors was widely welcomed and it was felt that due consideration should be given to reviewing, modifying or expanding these practices in the light of the experience gained with a view to improving and expanding consultations with troop contributors, for instance, by making them more frequent and regular. It was further proposed that potential troop contributors should also be consulted by the Security Council.

9. **On sanctions,** delegations expressed the view that the work of the sanctions committees should be more transparent and efficient. In this connection, initiatives taken by the Security Council to increase transparency and effectiveness and to have wider consultations were welcomed and it was suggested that the Council should continue its work in this area. Many delegations expressed support for the work of the Security Council on sanctions. Reference was also made to the work of the Working Group of the General Assembly on "An Agenda for Peace". It was proposed that questions of implementing enforcement measures as well as the impact of sanctions on third parties should also be addressed.

10. Delegations made reference to the elements contained in the paper entitled **"Recommended Measures to Enhance the Effective and Efficient Functioning of the Security Council"** circulated by the Non-Aligned Movement. These elements refer to: a) the improvement of the working relationship between the Security Council and the General Assembly, the Security Council and individual Member States of the United Nations, the Security Council and other principal and subsidiary organs of the United Nations, as well as the Security Council and regional arrangements and agencies; and b) the reform of the Security Council's working methods and procedures. While referring to these elements a number of delegations suggested that, inter alia, there was a need to enhance cooperation between the Security Council and the General Assembly in accordance with Articles 10, 11, 12, 14 and other relevant articles of the U.N. Charter; there should be an exchange of information and consultations between the Council and regional organizations at appropriate levels on a regular basis in accordance with Chapter VII of the U.N. Charter; there should be a closer working relationship between the Security Council and the International Court of Justice; and that the Council should consider holding a greater number of formal open meetings than informal consultations of the whole on an issue prior to the adoption of a resolution or decision. In the light of the view that the veto is closely relevant to the effective functioning of the Security

Council, suggestions were also made that the veto power should be reviewed and, as an interim measure, the scope of application of the veto should be addressed.

11. In discussing **the format of the reports of the Security Council to the General Assembly**, there was wide support for the proposal that the introductions of the reports should include substantive material on the work of the Council. It was also suggested that the reports should be more analytical in nature and include more detailed information on the process of decision-making by the Council on different issues covered in the report. It was also pointed out, however, that this would place a heavy burden on the Secretariat and the Council for little practical gain. A number of delegations remarked that reports should not contain any more statistics than they did now. The possibility of the Council submitting ad hoc and/or periodic substantive reports was also mentioned.

12. In discussing various aspects of Cluster II some delegations made reference to such issues as **equitable representation as well as effectiveness and efficiency of the Security Council, decision-making in accordance with the provisions in the Charter including the veto power**, and **modalities in making Charter amendments**. These are in fact issues related to both Clusters I and II and were thought to be best dealt with as part of a comprehensive package. Concerning the application of the veto rights, reference was made to the **Statement by the Delegations of the Four Sponsoring Governments on the Voting Procedure in the Security Council** at the 1945 San Francisco Conference (UNCIO Doc.852 [III/1/37 (1)] 18 May 1945).

13. With regard to **the modalities for bringing changes into effect** it was pointed out that many useful reforms in the Council could be undertaken without changing the UN Charter. Some reforms could be done through the provisions of the rules of procedure of the Security Council. It was suggested that reforms could be also undertaken through General Assembly resolutions. It was noted, however, that appropriate Charter amendments would be needed for some fundamental reforms.

14. It was suggested that **issues related to Cluster I and Cluster II** should be considered in parallel as part of a package. No decision should be taken before the agreement was reached on both clusters. On the other hand, it was suggested that the work on Cluster I and Cluster II could proceed independently; slower progress on one of the Clusters should not prevent the implementation of reforms regarding the other Cluster.

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## V. SUBMISSIONS BY MEMBER STATES OR GROUPS OF MEMBER STATES

### 1. Argentina

A/AC.247/5 (a)

[Original: English]

[14 September 1995]

1. Please find enclosed herewith a preliminary working paper prepared by our delegation (see annex). It is only an "evolving" document, on which we will continue to work, intended to highlight a matter of concern, related to the overall presence in the United Nations system or the permanent members of the Security Council, beyond the Council itself.

2. The working paper is presented for the purpose of stimulating consideration of the issue, at a time when the membership is examining the structure of the Security Council. It is our view that the aspects contained in the enclosed working paper should - in that connection - be also the object of analysis.

3. We are still double-checking some of the factual information contained in the enclosure and we plan to return to the issue when we are able to complete that work.

(*Signed*) Emilio J. CARDENAS
Ambassador
Permanent Representative

## ANNEX

## Submission by Argentina on the "cascade effect": effects of the status of the permanent membership of the Security Council on the United Nations system

1. The present working paper is only a first and preliminary attempt to examine, in both quantitative and comparative terms, the participation of the permanent members of the Security Council in the United Nations system as a whole.

2. When analysed in contrast with United Nations institutional regulations, as stipulated in the Charter of the United Nations, a statistical study of the actual participation of the permanent members of the Security Council in the various organs of the system makes possible the identification of a problem intrinsic to the Organization's representative mechanism, namely, the large representation ratio of certain countries to the detriment of others.

3. Such a de facto situation is somehow analogous to granting a different status to a number of Member States in the system as a whole. Given its vast repercussions, it reflects a reality of the United Nations beyond the stipulations of the Charter.

4. We will, therefore, consider both the Charter and the representation figures separately, and take as a basis for comparison the situation of the five permanent members of the Security Council - France, China, the United States of America, the United Kingdom and the Russian Federation - to try to assess their overall representational advantage, as the centrepiece of the paper.

### I. REGULATIONS OF THE CHARTER OF THE UNITED NATIONS

5. On the basis of Charter regulations, the status of permanent member has special bearing on:

(a) Voting prerogatives in the Security Council - veto right - (Art. 27);

(b) Composition of the Military Staff Committee (Art. 47), which consists of the Chiefs of Staff of the permanent members or their representatives;

(c) Composition of the Trusteeship Council (Art. 86, b), integrated by the five permanent members. China joined the group in 1989.

6. As regards participation in the General Assembly, the Charter regulations postulate, *inter alia*, the following:

(a) General Committee

(i) According to rule 31 of its rules of procedure, the General Assembly elects 21 vice-presidents. By decision 1 of the Assembly (in reference to resolution 33/138 of 19 December 1978), five of these vice-presidents are representatives of the five permanent members;

(ii) The General Committee is highly significant, given its role in assessing the provisional agenda and supplementary list of items, and introducing recommendations as to their inclusion in agenda rule 40);

(iii) On the other hand, permanent members may not assume the chairmanship of the General Assembly, or the chairmanships of the Main Committees. The latter conforms to rule 31, which indirectly indicates that the presidencies of the Assembly and chairmanships of the Main Committees cannot correspond to the same countries;

(iv) Likewise, it is established practice that the permanent members do not assume the posts of vice-chairman or rapporteur of the Main Committees;

(b) Committee on Contributions. Established by General Assembly resolution 14 (I) of 1946, this Committee advises the Assembly on matters relating to the allocation of the organization's expenses and on the application of Article 19 of the Charter in cases of arrears in the payment of contributions. Its membership has been expanded several times, now standing at 18. Members are selected by the General Assembly on the basis of geographical distribution, personal qualifications and experience. They serve for a period of three years, retire by rotation and are eligible for re-appointment.

## II. STATISTICAL FINDINGS

### A. General Assembly

### 1. Committee on Contributions

7. For the period 1984-1993, an average of four permanent members belonged to the Committee in any given year, showing a 70 per cent re-appointment rate; that is, they succeeded in getting re-appointed - on average - 7 out of the 10 times they were eligible for re-appointment. On the other hand, non-permanent members have a 48 per cent re-appointment rate, that is, they succeeded in getting re-appointed a little under 5 out of 10 times when they were eligible for re-appointment.

### 2. Advisory Committee on Administrative and Budgetary Questions

8. Established at the first session of the General Assembly, by resolution 14 (I) of 13 February 1946, this particular Committee examines and reports on regular and peace-keeping budgets and accounts of the Organization, as well as on the administrative budgets of the specialized agencies. It also advises the Assembly on other administrative and financial matters referred to it. Its membership has been expanded numerous times, now standing at a total of 16. Members are appointed by the Assembly on the basis of geographical distribution,

personal qualifications and experience. They serve for three-year periods and retire by rotation, but are eligible for re-appointment.

9. For the period 1984-1993, an average of four permanent members served on the Committee in any given year. They presented a combined re-appointment rate of 70 per cent, with France, the United States of America and the Union of Soviet Socialist Republics/Russian Federation each presenting a 100 per cent re-appointment rate. On the other hand, non-permanent members have a combined re-appointment rate of 41 per cent, re-entering the Committee only 4 out of 10 times when they are eligible to do so.

### 3. General Assembly ad hoc and subsidiary organs

10. Permanent members also take part in a number of important United Nations bodies dependent on the General Assembly:

(a) Committee on Applications for Review of Administrative Tribunal Judgements. By its resolution 957 (X) of 8 November 1955, the General Assembly established a committee, authorized by paragraph 2 of Article 96 of the Charter, to request consultative opinions from the International Court of Justice on decisions of the Administrative Tribunal. The Committee is constituted by the members of the current or most recent General Committee, which includes permanent members;

(b) International Law Commission. Established by resolution 174 (II) of 21 November 1947, the Commission was established by the Assembly with the function of encouraging the progressive development of International Law and its codification. Its membership has been expanded a number of times, now standing at a total of 34, and is elected on the basis of geographical distribution. With the sole exception of the United Kingdom, who did not participate for four years, the permanent members belonged to it continuously during the period 1984-1993. Other members rotated or were retired, at a rate of 20 per cent;

(c) United Nations Conciliation Committee for Palestine. Established by resolution 104 (III) of 11 December 1948, this Committee was, inter alia, established by the General Assembly to help with the repatriation of refugees and to assist Israel and the Arab States to achieve final settlements on all questions outstanding between them. The Committee's regular members are France, Turkey, and the United States of America - two of them Security Council permanent members;

(d) United Nations Administrative Tribunal. Established by the General Assembly by its resolution 351 A (IV) of 24 November 1949, the Tribunal hears and passes judgement on applications alleging non-observance of contracts of employment on the part of the United Nations Secretariat staff members or of their terms of appointment. Members are appointed by the Assembly on the recommendation of the Fifth Committee for a three-year term. For the period 1984-1993, at least three of the seven positions of the Tribunal corresponded, at any one time, to permanent members, with their tenure averaging 45 per cent of the total;

(e) United Nations Scientific Committee on the Effects of Atomic Radiation. Established by the General Assembly by its resolution 913 (X) of 3 December 1955, the Committee reports on all major sources of exposure to ionizing radiation in the human environment and submits annual progress reports to the Assembly. Its membership has been expanded a number of times, now standing at a total of 21. With the exception of three years, in which only four of the five permanent members participated, the five permanent members were included continuously in the Committee during 1984-1993;

(f) Committee on the Peaceful Uses of Outer Space. This Committee, established in 1959, acquired permanent status through General Assembly resolution 1721 (XVI) of 20 December 1961. Its membership has been gradually expanded to a present total of 53 members, which includes the five permanent members, on a continual basis;

(g) Special Committee on Peace-keeping Operations. Established by the General Assembly by its resolution 2006 (XIX) of 18 February 1965, it consists of 34 members, including the five permanent members on a continual basis;

(h) Joint Inspection Unit. Established by the General Assembly by its resolution 2150 (XXI) of 4 November 1966 and beginning its work in 1968, the Unit ensures that the activities undertaken by organizations of the United Nations system are carried out as economically as possible, with optimum use being made of available resources. It consists of no more than 11 Inspectors elected on the basis of equitable geographic distribution and serving in their personal capacity for a term of five years, which can be renewed only once. With the exception of China, permanent members averaged 3 Inspectors out of 11 at any one time;

(i) United Nations Commission on International Trade Law. Established by the General Assembly by its resolution 2205 (XXI) of 17 December 1966, the Commission seeks to promote the progressive harmonization and unification of the law of international trade. Its membership has been expanded on several occasions, with a present total of 36 elected on the basis of six-year terms. With the exception of 1985, when only four of the five permanent members participated, all five served continuously during the period 1984-1993. Other members rotated or were retired at a rate of 15 per cent;

(j) Committee on Relations with the Host Country. Established by the General Assembly by resolution 2819 of 15 December 1971, it consists of 15 members nominated by the President of the Assembly, which includes the five permanent members on a continual basis;

(k) Consultative Committee on Disarmament. Established in 1978 by the General Assembly by resolution S-10/2 of 30 June 1978, the Committee is composed of 20 eminent personalities, all nominated by the Secretary-General. It includes experts representing the five permanent members on a continual basis;

(l) Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. By its resolution 3499 of 15 December 1975, the General Assembly re-established the former Special Committee on the United Nations Charter under a new name. After a number of successive expansions, the Committee today consists of 47 members nominated by the President of the Assembly, including the five permanent members on a continual basis;

(m) Committee on Information. Established by the General Assembly by its resolution 33/115 C of 18 December 1978, it has undergone successive expansions and currently consists of 83 members assigned by the President of the Assembly, including the five permanent members on a continual basis;

(n) United Nations Environment Programme. Established in 1972 by General Assembly resolution 2997 (XXVII) of 15 December 1972, UNEP is represented by a Governing Council whose functions are, among others, to promote international cooperation in the environment field, recommend policies to this end and provide general policy guidance for the coordination of environmental programmes within the United Nations system. The Council reports to the Assembly through the Economic and Social Council and is composed of 58 members elected by the Assembly on the basis of geographic distribution and four-year terms. For the period 1984-1993, the five permanent members averaged 10 full years of participation, thus covering the entire period. The rest of the members - combined - averaged eight years of participation;

(o) Human Rights Committee. Based on available information for the period 1986-1993, three permanent members participated in this Committee continuously during the given period, while the rest of the membership was subject to rotation or changes at a rate of 12 per cent;

(p) Committee on the Elimination of Racial Discrimination. Established by the General Assembly by its resolution 2106 (XX) of 21 December 1965, it consists of 18 experts elected by the Assembly on the basis of geographic distribution. For the period 1984-1993, two permanent members were added to two others (who had already been on the Committee) in 1986, after which all four served on a continual basis. On the other hand, other Committee members were rotated or retired at a rate of 21 per cent.

## B. Economic and Social Council

11. The five permanent members are also part of the Economic and Social Council and various standing organs of limited membership, re-elected successively since the establishment of such organs.

### 1. Economic and Social Council (general membership)

12. Consisting originally of 18 members, it was successively expanded to include its present total of 53 members with three-year terms. Eighteen of these are nominated every year in General Assembly elections. With the exception of China, the five permanent members belonged to it almost continuously from its beginnings, until 1993 (combined default time: two

years). 1/ For the period 1984-1993, they averaged 10 full years of participation (100 per cent), while all other members - combined - averaged 3.9 years of participation (39 per cent) in the same period. Figure 1 (sample graph) of the appendix shows this result. Figure 2 establishes the same comparison, but shows a breakdown of the component of the column "others" corresponding to figure 1 (on the basis of geographical distribution).

### 2. Subsidiary organs of the Economic and Social Council

13. Permanent members have also taken part in a number of other important United Nations bodies dependent on the Economic and Social Council:

(a) Statistical Commission. Established by Economic and Social Council resolution 8 (I) of 1946, the Commission assists the Council in promoting the development of national statistics, coordinating the statistical work of certain specialized agencies and advising United Nations organs on questions regarding statistical information. Its membership has been expanded a number of times to a present total of 24, elected on the basis of equitable geographic distribution. With the exception of China, the permanent members served on the Commission almost continuously from its inception until 1993 (combined default time: 3 years). For the period 1984-1993, they averaged 10 full years of participation (100 per cent). All other members combined averaged 3.2 years of participation (32 per cent) in the same period;

(b) Population Commission. Established by Economic and Social Council resolution 3 (III) of 1946, the Commission studies and advises the Council on demographic questions and related social and economic matters. Its membership has been expanded successively since 1946, now standing at a total of 27. Members are elected by the Council for four-year terms on the basis of equitable geographic distribution. With the exception of China, the permanent members sat on the Committee continuously from its inception until 1993. For the period 1984-1993, they averaged 10 full years of participation (100 per cent), while the rest of the membership averaged 2.7 years of participation (27 per cent) in the same period;

(c) Commission for Social Development. Originally known as the Social Commission, it was established by Economic and Social Council resolution 10 (II) of 1946 and renamed in 1966. It advises the Council on social policies of a general character. Its membership, elected directly by the Council for four-year terms on the basis of geographic distribution, has been expanded a number of times and now stands at 32. With the exception of China, the permanent members served on the Commission almost continuously from its inception until 1993 (combined default time: 11 years). For the period 1984-1993, they averaged 8.8 years of participation (88 per cent), while the rest of the membership averaged 2.9 years of participation (29 per cent) in the same period;

(d) Commission on Human Rights. Established by Economic and Social Council resolution 5 (I) of 1946, the Commission reports on questions regarding

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1/ Combined default time: total time of non-participation.

the international bill of rights and other related declarations on civil liberties and various forms of discrimination. Its membership has been expanded numerous times, now standing at a total of 53. Members are elected for three-year terms on the basis of equitable geographic distribution. With the exception of China, the permanent members were members of the Commission almost continuously from its inception until 1993 (combined default time: three years). For the period 1984-1993, they averaged 10 full years of participation (100 per cent). All other members averaged 3.5 years of participation (35 per cent) in the same period;

(e) Commission on Transnational Corporations. Established by Economic and Social Council resolution 1913 (LVII) of 1974, the Commission comprises 48 members elected directly by the Council for three-year terms on the basis of geographic distribution. With the exception of China, the permanent members served on the Commission continuously from its inception until 1993. For the period 1984-1993, they averaged 10 full years of participation (100 per cent). The remaining members averaged 4.8 years of participation (48 per cent) for the same period;

(f) Committee for Programme and Coordination. Established by Economic and Social Council resolution 920 (XXXIV) of 1962, the Committee functions as the main subsidiary organ of the Council and the Assembly for purposes of planning, programming and coordination. Its membership has been expanded a number of times to its present total of 34. Members are elected by the Council for three-year terms on the basis of equitable geographic distribution. With the exception of China, the permanent members sat on the Committee continuously from its inception until 1993. For the period 1984-1993, they averaged 9.4 years of participation (94 per cent), while all others averaged 3.7 years of participation (37 per cent);

(g) Commission on Narcotic Drugs. Established by Economic and Social Council resolution 9 (I) of 1946, the Commission comprises a total of 53 members elected by the Council for four-year terms at two-year intervals on the basis of geographic distribution. With the exception of China, the permanent members served on the Commission continuously from its inception until 1993. For the period 1984-1993, they averaged 9.6 years of participation (96 per cent), while the rest of the membership averaged 5.2 years (52 per cent);

(h) Commission on Human Settlements (Habitat). Established by the General Assembly by its resolution 32/162 of 19 December 1977, the Commission comprises a total of 58 members elected for three to four-year terms on the basis of geographic distribution. With the exception of China, the permanent members sat on the Commission continuously from its inception until 1993. For the period 1984-1993, they averaged 8.4 years of participation (84 per cent), while the rest of the membership averaged 5.5 years (55 per cent);

(i) Commission on the Status of Women. Established by Economic and Social Council resolution 11 (II) of 1946, the Commission comprises a total of 45 members elected on the basis of equitable geographic distribution. With the exception of China, the permanent members participated in the Commission almost continuously from its beginnings until 1993 (combined default time: eight years). For the period 1984-1993, they averaged 8.6 years of participation

(86 per cent), while the remaining members averaged a total of 3.7 years (37 per cent).

14. Appendix figure 3 (sample graph) shows average participation of permanent and non-permanent members in the Economic and Social Council subsidiary organs mentioned above. Figure 4 establishes the same comparison, but shows a breakdown of the component "others" corresponding to figure 3 (on the basis of geographic distribution).

### C. International Court of Justice

15. Although the Statute of the International Court of Justice does not directly specify it, the five permanent members of the Security Council are de facto permanent members of the Court.

### D. Related United Nations programmes and specialized agencies

#### 1. International Atomic Energy Agency

16. Beginning its activities in 1957, the Agency seeks to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. Its executive organ is the Board of Governors, members of which are designated on an annual basis by the Board itself and on a bi-annual basis by the Agency's General Conference, all by the principle of equitable geographic distribution. With the exception of China, the permanent members have sat on the Board continuously since 1957. For the period 1984-1993, all five averaged 10 years of participation (100 per cent); other members combined averaged 3.1 years of participation (31 per cent) in the same period.

#### 2. International Civil Aviation Organization

17. Beginning its activities in 1947, ICAO fosters the planning and development of international air transport so as to ensure a safe growth of civil aviation throughout the world. Its executive body is the members' Council, composed of 33 contracting States. Permanent members participated in the Council for an average of 35.6 years (possible total: 46 years) between 1947 and 1993, that is, almost 80 per cent of the total time. For the period 1984-1993, all five averaged 10 full years of participation (100 per cent), while the rest of the membership averaged 1.8 years of participation (18 per cent) in the same period.

#### 3. Food and Agriculture Organization of the United Nations

18. Established in 1945, FAO includes a main Council as its chief executive organ, composed of 49 member nations elected by the FAO Conference for three-year terms. With the exception of the Russian Federation, which is not a member, the permanent members averaged 10 full years of participation (100 per cent) in the period 1984-1993; the rest of the membership averaged 2.7 years of participation (27 per cent) in the same period.

### 4. International Maritime Organization

19. Established in 1959, IMO regulates standards of maritime safety and facilitates cooperation among Governments on technical matters affecting international shipping. Its chief executive body is the IMO Council, composed of 32 members. With the exception of China, the permanent members have sat on the Council continuously since 1959. For the period 1984-1993, all five averaged 10 full years of participation (100 per cent), while the rest of the membership averaged 1.8 years (18 per cent) in the same period.

### 5. International Telecommunication Union

20. The Union's chief executive organ is its Council, the members of which are elected by the ITU Conference and are eligible for re-election (total Union membership is 183). With the exception of the United Kingdom, the permanent members have been members of the Council continuously since 1947. For the period 1984-1993, all five averaged 9.2 years (92 per cent) of participation in the Council, while the rest of the membership averaged 1.9 years (19 per cent) in the same period.

### 6. World Meteorological Organization

21. WMO became a specialized agency in 1951, with the WMO Executive Council serving as its chief executive body. Permanent members sat on the Council for an average of 31 years (possible total: 42 years) between 1951 and 1993, that is, 75 per cent of the total time. For the period 1984-1993, all five permanent members averaged 8.7 years (87 per cent) of participation, while the rest of the membership averaged 1.8 years (18 per cent) in the same period.

### 7. World Health Organization

22. WHO became a specialized agency in 1948, with the WHO Executive Board serving as its chief executive organ. Permanent members served on the Board for an average of 36 years (possible total: 45 years) between 1948 and 1993, that is, 80 per cent of the total time. For the period 1984-1993, all five permanent members averaged 9.2 years (92 per cent) of participation, while the rest of the membership averaged 2 years (20 per cent) of participation in the same period.

### 8. United Nations Educational, Scientific and Cultural Organization

23. The organization was established in 1945. Its chief executive organ, the Executive Board, is elected by the UNESCO General Conference and consists of 51 member States who appoint representatives for four-year terms on the basis of geographic distribution. For the period 1984-1993, China, the Russian Federation and France were members of the Board continuously (10 full years of participation), while the rest of the membership averaged 3 years (30 per cent) of participation in the same period.

/...

### 9. United Nations Children's Fund

24. Originally established as the United Nations International Children's Emergency Fund in 1946, it became a full permanent organ by General Assembly resolution 802 (VII) of 15 September 1953. Its leading executive body is the Executive Board, comprising 36 members elected for three-year terms on the basis of geographic distribution. With the exception of China, the permanent members served on the Board continuously until 1993. For the period 1984-1993, they averaged 10 full years of participation (100 per cent), while the remaining members averaged 3.6 years (36 per cent) of participation in the same period.

### 10. United Nations Development Programme

25. Established by the General Assembly by its resolution 2029 (XX) of 22 November 1965, UNDP includes a Governing Council as its chief executive organ. The Council's membership has been successively expanded - now standing at a total of 48 - and is elected on the basis of equitable distribution among "developed" and "developing" countries as two separate categories. With the exception of China, the permanent members participated in the Board continuously until 1993. For the period 1984-1993, they averaged 10 full years of participation (100 per cent), while average participation for the remaining "developed" countries (excluding the United States of America, France, the United Kingdom and the Russian Federation) averaged 6.5 years (65 per cent).

### 11. Office of the United Nations High Commissioner for Refugees

26. Established by the General Assembly by its resolution 319 (IV) of 3 December 1949, UNHCR includes an Executive Committee as its leading organ. The Committee's membership has been expanded a number of times, now standing at a total of 46 regular members, which includes (and has always included) all Security Council permanent members except for the Russian Federation.

### 12. Universal Postal Union

27. UPU became a United Nations specialized agency in 1948, with an Executive Council as its leading organ. For the period 1984-1993, the five permanent members averaged 6 years (60 per cent) of participation in the Council, while the rest of the membership averaged 2.1 years (21 per cent).

28. The above data make it somehow clear that the effective rates of participation of the five Security Council permanent members seem to be not directly reflective of Charter stipulations. In effect, they may be producing a certain degree of disequilibrium in the United Nations structure.

29. Such an apparent disequilibrium may find its roots in a number of reasons, which cause what can be called the "cascade effect". The permanent members' relative weight and negotiational advantage when soliciting their admittance into organs outside of the Security Council may well be reverberating throughout

the Organization. The ongoing review of the Security Council may well grant all members an opportunity to look also in depth into this particular matter.

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# APPENDIX

## Economic and Social Council

Figure 1 (sample graph): General membership. Average participation (in years)

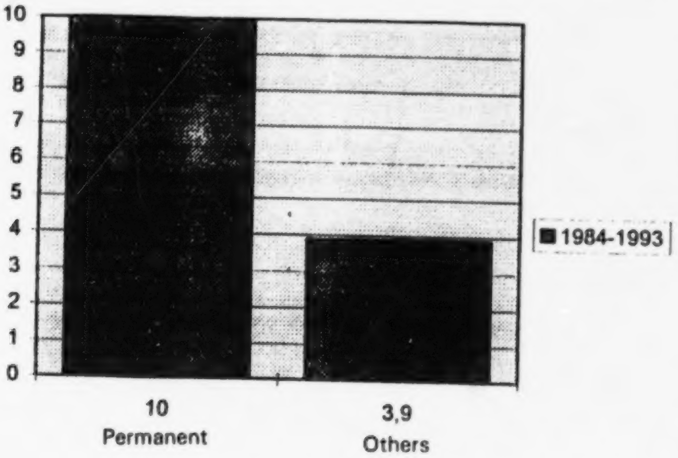


Figure 2 (sample graph): General membership. Average participation (in years) on the basis of geographic distribution, permanent and non-permanent members

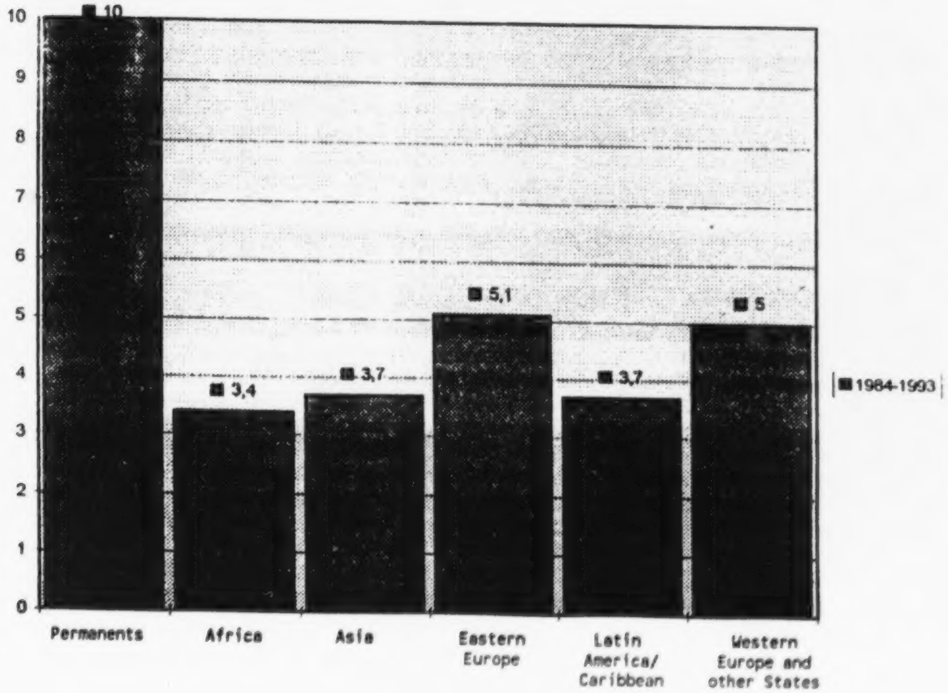


Figure 3 (sample graph): Subsidiary organs. Average participation (in years), permanent and non-permanent members

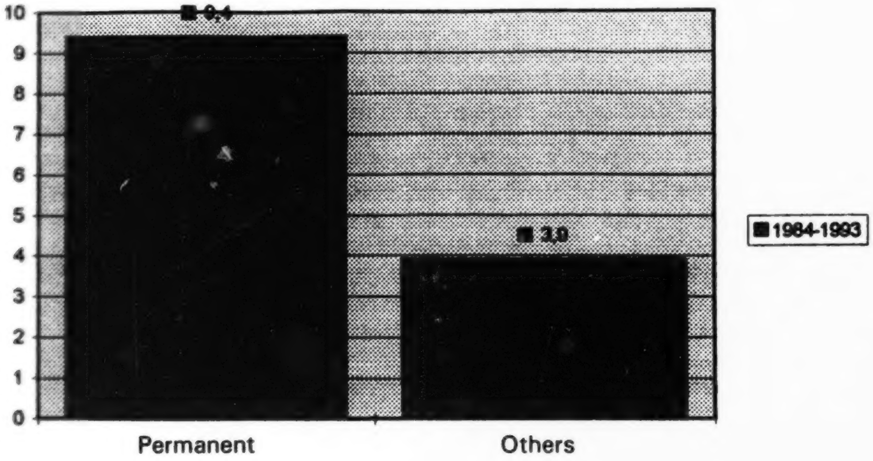
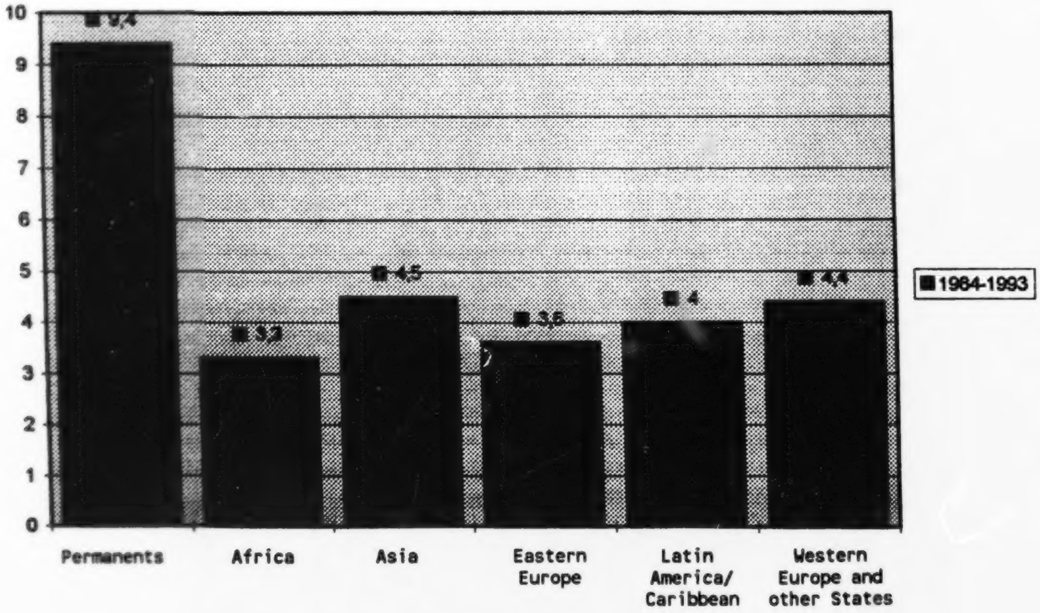


Figure 4 (sample graph): Subsidiary organs. Average participation (in years) on the basis of geographic distribution, permanent and non-permanent members



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## 2. Australia

A/AC.247/5 (b)

[Original: English]

[15 September 1995]

1. I hereby submit the attached paper entitled Possible Models for Enlarging the Security Council to be included as part of the compendium of papers of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council to be circulated as a General Assembly document.

2. The paper, which was previously circulated in the Open-ended Working Group, provides a chart that illustrates the current situation and models that could be used to facilitate discussion on how the composition of the Security Council might be changed. I would like to emphasize that these are not formal proposals but simply models to assist further deliberation of these issues.

3. I would be grateful if you could ensure that the present explanatory letter is attached to the Australian paper for inclusion in the compendium.

(*Signed*) Richard BUTLER, AM

## ANNEX

## Possible models for enlarging the Security Council

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### Existing arrangement a/

| | Western Europe (27) | Eastern Europe (20) | Africa and Asia (102) | Latin America and the Caribbean (33) | Total |
|---|---|---|---|---|---|
| PM b/ | 3 | 1 | 1 | - | 5 |
| NPM c/ | 2 | 1 | 5 | 2 | 10 |
| Total | 5 | 2 | 6 | 2 | 15 |

### Simple model

| | Western Europe (27) | Eastern Europe (20) | Africa (53) | Asia (49) | Latin America and the Caribbean (33) | Total |
|---|---|---|---|---|---|---|
| PM | 4 | 1 | 2 | 2 | 1 | 10 |
| NPM | 2 | 1 | 3 | 2 | 2 | 10 |
| Total | 6 | 2 | 5 | 4 | 3 | 20 |

## Alternative models

### A. Existing groups

| | Western Europe (27) | Eastern Europe (20) | Africa (53) | Asia (49) | Latin America and the Caribbean (33) | Total |
|---|---|---|---|---|---|---|
| PM | 3 | 1 | - | 1 | - | 5 |
| QPM d/ | 1 | - | 3 | 2 | 2 | 8 |
| NPM | 2 | 1 | 3 | 2 | 2 | 10 |
| Total | 6 | 2 | 6 | 5 | 4 | 23 |

### B. New groups

| | Western Europe (24) | Central and Eastern Europe (22) | Middle East and Maghreb (19) | Africa (43) | Central Asia and Indian Ocean (17) | East Asia and Oceania (25) | Americas (35) | Total |
|---|---|---|---|---|---|---|---|---|
| PM | 2 | 1 | - | - | - | 1 | 1 | 5 |
| QPM | 1 | - | 1 | 1 | 1 | 2 | 2 | 8 |
| NPM | 1 | 1 | 1 | 3 | 1 | 1 | 2 | 10 |
| Total | 4 | 2 | 2 | 4 | 2 | 4 | 5 | 23 |

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a/ As at 1 March 1995, three Member States were not members of any regional group.

b/ Permanent member.

c/ Non-permanent member.

d/ Quasi-permanent member (i.e. re-elected).

/...

## 3. Austria, Belgium, the Czech Republic, Estonia, Hungary, Ireland and Slovenia

A/AC.247/5 (c)

[Original: English]

[9 May 1995]

### Discussion paper

1. The present discussion paper on the main issues under consideration in the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council has been prepared by an informal group of small and medium-sized countries.

2. In drawing up the paper, the delegations concerned considered that a sufficient level of broad agreement existed between their positions on the principal issues under consideration for it to be worthwhile setting these down with a view to establishing a general framework within which further work could be undertaken.

3. In the view of the group, a stage has been reached in the deliberation of the Open-ended Working Group at which there would be merit in sharing its approach with other delegations. It is for this reason that the group has decided to circulate the present discussion paper now.

4. In doing so, the group wishes to stress that the positions reflected in the paper are flexible and evolving. The discussion paper should not be seen as cutting across the work of the Open-ended Working Group, nor should it be viewed as a package solution to all the outstanding issues. It is intended, rather, as a contribution to the ongoing work of the Working Group from a group of countries that share a similar approach to the problems being addressed.

5. In this context, the views of other delegations are welcome, particularly those delegations which felt that they would wish to join with the group in developing the ideas further.

### General comments

6. The reform of the Security Council should be in accordance with the following principles:

(a) The reform of the Security Council must not put in danger its effectiveness, on the contrary it should strengthen it;

(b) Enlargement of the Security Council should enhance its representativity, taking into account the emergence of new economic and political powers as well as the increase of United Nations membership;

(c) Enlargement of the Security Council should enhance equitable geographic representation;

(d) The possibility for smaller Member States to serve on the Security Council should not be diminished;

(e) Enlargement should take place in both categories of permanent and non-permanent members.

## Cluster 1

### 1. Permanent membership

7. There is a need to increase the number of permanent seats (two to five additional permanent seats). Global influence, capacity and willingness to contribute to the maintenance of international peace and security in particular through peace-keeping operations and through the assumption of an additional financial burden (peace-keeping operations budget) should be taken into account for selecting new permanent members. Fixing objective criteria for selecting new permanent members would, however, be difficult to achieve and might threaten the whole process of reform. In addition to Germany and Japan, already perceived by many as candidates for permanent seats, Africa, Asia and Latin America should also be given permanent seats.

### 2. Non-permanent membership

8. The increase in permanent seats should be accompanied by an appropriate increase in non-permanent membership in order to preserve as much as possible a balanced configuration of the Security Council. The current criteria for selecting non-permanent members (Article 23.1 of the Charter) should be maintained.

### 3. Other categories of membership

9. An increase in membership should take place within the framework of the current distinction between permanent and non-permanent; special privileged rotation arrangements for medium-sized countries should not be established.

### 4. Veto

10. There would be value in limiting the use of veto and the suggestions already made in this regard should be considered.

### 5. Size

11. Twenty to 25 should be the size of an enlarged Security Council.

## 6. Other matters

12. Review of the composition of the Security Council should remain possible in order to adapt it to the changing configuration of international relations.

## Cluster 2

13. Measures already taken to enhance the relationship between the Council and the general membership as well as to improve the working methods and procedures of the Council, constitute a positive development. These measures should be maintained and improved, and, when appropriate and if possible, should receive a certain degree of formalization. Other new measures should be developed along the same lines. An amendment of Article 24 of the Charter might recognize the principle of information and consultation of all Member States by the Security Council to the largest possible extent.

14. The following should receive particular attention:

(a) Briefings on the work of the Council by the President of the Council;

(b) Open orientation debates of the Council;

(c) Consultations between Security Council and troop-contributing countries;

(d) Transparency of the work of sanctions committees.

## 4. Belize

A/AC.247/5 (d)

[Original: English]

[15 September 1995]

At your request, we are transmitting the attached copy of the submission made by the delegation of Belize to the Open-ended Working Group of the General Assembly on the Question of Equitable Representation on and Increase in the Membership of the Security Council for inclusion in the Co-Chairmen's compendium of all the proposals submitted.

(*Signed*) Lawrence A. SYLVESTER
for Permanent Representative

## ANNEX

## Answers to suggested questions for Cluster 1 and related statement delivered on 25 January 1995 to the Open-ended Working Group of the General Assembly by His Excellency Mr. Edward A. Laing, Permanent Representative of Belize

### I. SUMMARY OF ANSWERS TO CLUSTER 1 QUESTIONS

1. Indefinite (permanent) membership

(a) The number should be increased by between five and eight;

(b) There should be established the principle of at least two members from each of the five regions;

(c) Subject to what is said in section VII below, in each of the five regions any State would have the right to contest a seat in elections conducted within the United Nations for each regional group. Tenure would not exceed a renewable period to be prescribed. In addition, the States contributing a specified minimum percentage of the Organization's budget would be members;

(d) Deferred, except for 4 below.

2. Regular (non-permanent) membership

(a) The number should be increased by approximately 10;

(b) The Article 23 criteria would be essentially the same as at present, with the emphasis on equitable geographical distribution;

(c) The ratio between the two categories should be approximately 2:1.

3. Other categories of membership

(a) There is no need for additional substantial categories of membership. As stated in 1 (c), regional representation should be the main criterion of indefinite (permanent) membership. It should also be the main criterion for regular membership. In both membership categories, pairs of prospective members should also have the purely voluntary option of forming composite or constituency groups;

(b) The basis for self-selection through this modality would be geographical, including trans-aquatic, adjacency or common membership of a Chapter VIII agency;

(c) The right to vote, exercise the veto (if any) and participate in debates and in closed sessions would be rotated monthly. However, at all times, the delegation would be comprised of representatives from both participants in the composite or constituency group.

4. Veto

Ideally, the veto power should not be retained. If this is not feasible, it should be thus modified: a minimum of 3 States (if the Council is enlarged to over 25) or 2 States should jointly cast vetoes.

## II. INTRODUCTION

1. At various times this delegation has presented its ideas both in this Working Group and in the plenary, as it did on 13 October 1994. Given the diversity of cultures, regions and economic and social realities, and the complexity of our proto-twenty-first century world, we stand by the proposals elaborated on that occasion. Nevertheless, in our endeavour to move forward, this delegation is today offering some additional thoughts. Some of these are based on ideas that have been expressed by several distinguished delegations. At the same time, our present formulation includes several elements from our previous proposals. Chief of these is the composite or constituency modality of membership.

2. Central to our notions is the importance of ensuring democracy in the United Nations. If this Organization's moral authority is to be preserved in an increasingly democratized world, it is inescapable that its own processes must be made more democratic. The essential ingredients of such democracy must be the introduction of equality and even-handedness. The first notable area in which this must be accomplished is that of membership categories and terminology. Surely the very notion of permanent membership contradicts the fundamental principle of democracy for which we have waged at least one major war in this century. It was a cardinal principle in the Atlantic Charter of the Second World War and the Charter of this Organization, which was spawned by that war. I would insult the intelligence of my listeners if I were to say any more on the history of this subject than that an entire large branch of international law and United Nations law is based on a veritable forest of weighty resolutions of this Assembly, notably resolution 1514 (XV) of 14 December 1960 on the granting of independence to colonial territories and peoples. In view of the vital importance of democracy, this delegation therefore proposes that the category of permanent membership should be relabelled "indefinite membership" and that the incidents of that category should reflect the basic notions of democracy, without posing any threat whatsoever to the peace and security of the world.

3. Similarly, overall democracy within the Organization and internal democracy within the Council itself must be made to apply to the incidents of voting, particularly the veto, which this delegation has previously recommended should be the foundation of reform. Logic would suggest that the veto should be abolished. But, in the realm of peace and security, logic is an abominable master. Therefore we repeat our suggestion that the veto should be reformed.

4. Democracy obviously requires that there should be essential equality between the weak and the strong, between the poor and the rich, and between the small and the large. It requires the widest possible participation in representative bodies. No United Nations organ, especially the Council, must

become so complex as to preclude a category of State from participation. Wisdom, like democratic rights, should be widely shared. There must be full access to the distilled experiences of the weak, the poor and the small. Thus, ideas on Council reform should squarely reflect this concern.

5. In addition to democracy, we must acknowledge that, like States, international organizations are dynamic organisms. Their structures must therefore be flexible. That is an additional reason why modification of the veto and of permanent membership is required. Membership criteria and other structures must therefore reflect the reality that, throughout history, the dimensions, composition, boundaries and very existence of States have often been in flux. When these changes have taken place through democratic and peaceful means, this Organization has generally made the necessary accommodations. The very notions of permanent membership and the veto, as they presently exist, preclude such accommodation in cases of State succession. We must ensure that this is now rectified.

6. The final introductory point is that, in view of the dynamism to which reference has been made, an institution as vital as the Security Council must be provided with a mechanism for orderly change. This includes the Council's membership criteria. At the same time, reform should not be so idealistic and radical as to deprive the international system of the continued benefit of those States which have furnished yeoman service in the sensitive and dangerous fields of peace and security.

## III. INDEFINITE MEMBERSHIP

7. Indefinite membership would replace the present category of permanent membership. This delegation envisages that there might be two such members from each of the Organization's [five] regions. It might be argued that there are disparities between the existing regions in size and population numbers. However, that argument does not detract from the imperative of giving equal and democratic representation to each region. The solution to this perceived problem might be to reform the Organization's regional system.

8. Tenure would be indefinite in the sense that it would be of longer duration than the two years for regular members. The period could conceivably be five years, if indefinite membership included such responsibilities and obligations as justify an extended period for the amortization of necessary investments. Clearly, one of the incidents of such a status as indefinite membership should be indefinite renewability.

9. Elections of the permanent members from each region would be conducted under the auspices of the United Nations, with participation of all the members of each respective regional group.

10. In addition to this modality of selection based on regional considerations, this delegation proposes that two or three additional permanent members would so qualify on the basis of their contribution to the budget of the Organization. It is submitted that, in view of the size of the Organization's budget for international security, it is unrealistic to deny the nexus between financial

contributions and peace and security. One State that would obviously qualify under such criteria is the United States of America. This delegation further suggests that such States would not be counted among those which are qualified as contestants and electors in the regional elections described in the preceding paragraph.

11. To either type of indefinite membership could be applied the optional selection modality of composite or constituency membership. In the case of the budget-contribution criterion, the contributions of both States in a composite/ constituency group would be aggregated in order to determine whether they satisfied the required threshold. The adjacency criterion would be applied as described in section V below.

## IV. REGULAR MEMBERSHIP

12. Because of the imperatives of democracy (from the perspective of both equality and even-handedness), the label "non-permanent membership" conveys a sense of second-class citizenship. It is therefore proposed that it be relabelled "regular membership" or simply "membership". For reasons that have been canvassed in this statement, the number of regular members should be increased so that the proportion of regular to indefinite members would be approximately 2:1. In that event, the total number of members of the Council would be approximately 33, which would be consistent with efficiency, particularly if the Council ensures that its procedures are consistent with the effective use of time. As long as there is continued emphasis on equitable geographical distribution and the composite or constituency modality is utilized, it is perceived that the criteria presently in Article 23 (1) would suffice.

## V. COMPOSITE OR CONSTITUENCY MEMBERSHIP

13. Regionalism is at the core of the proposals discussed so far. The expression has been used mainly in the sense of the existing United Nations regional groups. Consistently with the Council's role in peace and security, it has also been used in the sense of the functional security regions, which are the subject of Chapter VIII of the Organization's Charter. As noted in the Secretary-General's recent update to (A/50/60-S/1995/1) and the Council's recent debate on the Agenda for Peace (A/47/277-S/24111), the Organization has been relying increasingly on regional mechanisms. Since it appears likely that this trend will continue, it is rational to relate the composition of the Council to this reality, which bears a broad relationship to collective self-defence (Article 51 of the Charter). This is the essence of the composite or constituency modality, which follows a development in agencies that provide specific benefits or have certain defined or tangible functions.

14. This modality of membership would facilitate the effective participation in the work of the Council of the scores of States that have never been able to afford to participate, while providing the breadth of experience and nuanced views prevailing in the various functional regions.

/...

15. It is most important to stress that this modality of membership would be available for both categories of membership. It would be purely optional for pairs of adjacent States. The concept of adjacency would include trans-aquatic adjacency and non-adjacent States that are members of a regional agency certified by the Security Council.

16. The vote and veto, if any, would rotate monthly between the parties to the composite/constituency arrangement. So would be the right to speak in debates, in both open and closed sessions. At all times, however, the delegations of composite members would include delegates from each component, who would be seated accordingly and would participate fully in committee work without regard to rotation.

## VI. THE VETO

17. As this delegation has previously recommended, the exercise of the veto would be limited to cases in which more than one indefinite member coincided in its exercise. It is recommended that if the total size of the Council is increased beyond 25, the minimum number of coinciding members should be 3. Otherwise, it should be two.

## VII. THE ALTERNATIVE CRITERIA FOR INDEFINITE MEMBERSHIP

18. As an alternative to today's proposal on the criteria for indefinite membership, this delegation wishes to reiterate the proposals it last summarized on 13 October 1994. It will be recalled that the most important elements in those proposals are population size (with a threshold of 100 million) and contribution to the Organization's budget. They also include a criterion based entirely on extraordinarily large population size. In addition, concepts are included for compensating for marginal non-satisfaction of the population and contribution criteria and for "grandfathering" existing members. Those concepts on grandfathering should be included in the new proposals outlined in the present statement. To that extent, the regional concept could not be fully applied in at least one of the five regional United Nations groups.

19. Nevertheless, I understand that at least one other delegation, fully cognizant of the changeability of international life, suggests that the Assembly should revisit this matter at regular prescribed intervals, in the first instance not later than 10 years from the date of effectiveness of the forthcoming set of reforms. This delegation endorses that suggestion.

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## 5. Cuba

A/AC.247/5 (e)

[Original: English]

[15 September 1995]

Please find enclosed a copy of the proposal presented by Cuba on the question of equitable representation and on the increase in the members of the Security Council, within the Working Group on this issue.

(*Signed*) Yamira CUETO
Counsellor

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# ANNEX

1. One of the formulas for the process of expansion and reform of the Security Council can be the following.

2. The increase in the number of permanent and non-permanent members should be strictly in accordance with the principle of the equitable geographic representation.

3. In any formula, the expansion of the permanent membership should not only contemplate industrialized countries. This would simply generate a further imbalance in the membership of the Council. New permanent members from developed and developing countries should enter the Council together and at the same time.

4. The total number of members of the enlarged Security Council could be 23, with the following distribution:

(a) Three from Asia;

(b) One from Europe and others;

(c) Two from Africa (as this is the decision of the Organization of African Unity, although taking into account the amount of countries in this region and their diversity, the number could be higher);

(d) Two from Latin America and the Caribbean.

## 6. Indonesia

A/AC.247/5 (f)

[Original: English]

[15 September 1995]

I have the honour to submit herewith criteria proposed by Indonesia for permanent membership in the Security Council (see annex).

It would be greatly appreciated if this could be included in the compendium of proposals submitted by Member States for consideration by the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council.

(Signed) Isslamet POERNOMO
Ambassador
Chargé d'affaires a.i.

## ANNEX

## Criteria for permanent membership in the Security Council

1. The reform and revitalization of the Security Council is a conditio sine qua non for strengthening the United Nations and is critically important for the emerging new world order. The main objective in these endeavours is to render the Council more responsive to the emerging challenges and changing realities in the international landscape. In this context, it is essential to ensure that the question of an increase in the permanent membership reflects the current configuration of membership of the United Nations and to ensure a more representative and effective Security Council. It is undeniable that the present arrangements do not reflect the profound changes and transition that have taken place in the global arena. The international community continues to face an untenable anomaly where three States from Europe are among the five permanent members. At the same time Asia is underrepresented, while Africa and Latin America are not represented, an arrangement that in geopolitical terms is unacceptable.

2. Objective criteria should therefore guide the selection process for an increase in the permanent membership of the Security Council. While the principle of equitable geographic representation is a valid basis, it should not constitute the sole criterion to determine eligibility for permanent membership. A host of other criteria are equally important to assume the responsibilities inherent in such a status.

3. Far from paying mere lip service and perfunctory exhortations, States must have supported the United Nations as the principal multilateral organization through which Governments can and should resolve conflicts and thereby seek to strengthen the validity and efficacy of its organs as forums for consultations and negotiations on all issues of global concern. Such a stance, stemming from a genuine commitment to an active and independent foreign policy that is free from externally induced constraints must have the continuing and steadfast support of the Governments and peoples concerned for the United Nations and, most importantly, in their timely contributions to its budget.

4. Furthermore, the willingness of Member States to assume the onerous responsibilities inherent in permanent membership of the Security Council and thereby bolster its capacity in fulfilling its mandate must be deemed to be essential. These should have been convincingly demonstrated by their contribution to the promotion of regional peace and global security through successful diplomatic initiatives to the prevention and resolution of conflicts. Equally important is participation in peace-keeping activities over a period of time, as well as contributions to the civil, military, financial and other resources of the United Nations. Proven capacity for constructive global influence and for undertaking global responsibilities, especially in guiding a coalition of the largest number of States in history comprising all continents and regions, would constitute yet another criterion. It is also pertinent to take into account the size of the population.

/...

5. Moreover, a country's standing within the new realities of regional and subregional dynamism and in building the edifice of confidence and concordance should be fully considered. It is also pertinent to take into account the legitimate aspirations of the largest States and the varied abilities and potentialities of their populations as important attributes for permanent membership. Of no less importance is a prominent and constructive role in resolving issues of global concern, particularly through compromise, cooperation and consensus.

6. Additionally, economic power - both current and potential - and social stability, as well as the capacity and willingness to contribute significantly to socio-economic development, are other factors. Another central criterion that should be taken into account is a record of strong and sustained economic growth, including progress towards balanced, equitable and sustainable development that would make it one of the largest and vibrant economies in the world. This could be assessed by such characteristics as rapid output and productivity in agriculture and industry together with increased growth rates in physical and human capital. Likewise, sustained economic performance and resilience even in the face of adverse global economic conditions such as recession should also be given due weight. Stable macroeconomic performance, substantial domestic and foreign investment flows and demographic strength, not just in quantitative terms but also with regard to quality and participation in economic growth and development, are also essential attributes. It is from such strengths that a country's capacity to contribute towards development cooperation under multilateral auspices is derived.

7. An increase in membership of the Security Council should therefore accommodate new permanent members who should join on the basis of a combination of appropriate criteria, which would reflect, among others, the new and emerging constellation of powers, their proven regional and global responsibilities as well as political, economic and demographic realities.

8. A measured and realistic expansion of the permanent membership in the Security Council has become both necessary and appropriate. In these endeavours, the exclusion of developing countries through a process of predetermined selection should be unacceptable. Enlargement should be accomplished through a process of open-ended negotiations on the basis of consensus and as a comprehensive package. The time for reform and restructuring of the Security Council has long been overdue. It has now become imperative to achieve a more representative Security Council.

## 7. Italy

A/AC.247/5 (g)

[Original: English]

[14 September 1995]

I am pleased to enclose a revised version of the Italian proposal for the enlargement of the Security Council (see annex).

I formally ask you to include the attached document in the compendium, which - as agreed in the Working Group today - is scheduled to be circulated as an official document of the General Assembly.

(*Signed*) F. Paolo FULCI
Ambassador

# ANNEX

## A revised proposal for the enlargement of the Security Council of the United Nations

15 May 1995

### I. INTRODUCTORY REMARKS

1. It is generally agreed that the present membership of the Security Council is in need of expansion, if only to reflect the steady rise in membership of the United Nations. General membership has grown from 51 members in 1945, to 113 in 1965 (date of the Council's only enlargement, from 11 to 15 seats), to 185 today.

2. The five permanent members all belong to the northern hemisphere, and four of them are economically developed countries, while one is rapidly approaching industrialized status. To add new permanent seats only for two developed countries, which also belong to the northern hemisphere, would not be equitable or democratic. Rather than correct the existing imbalance, such a solution would aggravate it.

3. To redress this situation, one logical remedy might be to add three permanent seats to the Security Council, one for each of the three geographic areas presently underrepresented (Asia, Africa and Latin America), but there would be the objective difficulty of selecting the countries that should represent the three continents.

4. A more equitable solution for all would be to increase non-permanent seats only, as was the case with the reform of 1965. Among other things, this would prevent the difficulties connected with the proliferation of veto power and its dangers.

5. The numbers speak clearly: 79 countries have never been members of the Security Council, while 44 others have been able to serve only once (see appendices I and II). The problem stems mainly from the fact that, within each geographic group, several large countries tend to compete for a Security Council seat much more frequently, thus elbowing out the smaller countries. A formula must be found to redress this chronic situation and provide for a greater and more regular involvement of the many, not of the few, in the Security Council.

### II. PROPOSAL FOR THE ENLARGEMENT OF THE SECURITY COUNCIL

6. Italy first presented its proposal on 30 June 1993, in response to the Secretary-General's questionnaire. The proposal was later illustrated by the Italian Minister for Foreign Affairs before the General Assembly on 30 September 1993 and gradually modified in the light of observations and proposals made by other countries in the course of the meetings of the Open-ended Working Group on the Question of Equitable Representation on and

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Increase in the Membership of the Security Council. The present document is the latest revision of the Italian proposal, which can now be summarized as follows:

(a) The two categories of permanent and non-permanent members should be kept, and the current permanent membership of five should remain the same;

(b) Eight to 10 new non-permanent seats should be added. For each of these seats, 3 States would be rotating, making a total of 24-30 States. Consequently, each of them would remain two years on and four consecutive years off the Council. These 24-30 States, which therefore would rotate more frequently than others, should be selected on the basis of objective criteria to be determined by the General Assembly;

(c) All 24-30 countries due to rotate more frequently would be subject to regular elections. They would need to obtain two thirds of the votes of the General Assembly, in a manner similar to the present clean-slate mechanism, every time it is their turn;

(d) Obviously this model presupposes maintaining the Charter provision that bans immediate re-election for a member who has just completed a two-year term. In fact, if the ban were to be abolished, the number of spaces available for other countries would automatically be reduced, limiting the right of all to equitable representation. We should not forget that in the League of Nations, the possibility of immediate re-election to a seat on the Council was one of its key problems;

(e) The list of the above-mentioned 24-30 countries to rotate with greater frequency would be subject to periodic revisions (every 10, 12 or 15 years), thus avoiding the risk of creating new situations of "eternal" privilege. The assessment should depend essentially on the degree to which a country has managed to honour the commitment and meet the increased responsibilities stemming from its more frequent rotation. If it has not, it should be replaced, by resolution of the General Assembly, with another country.

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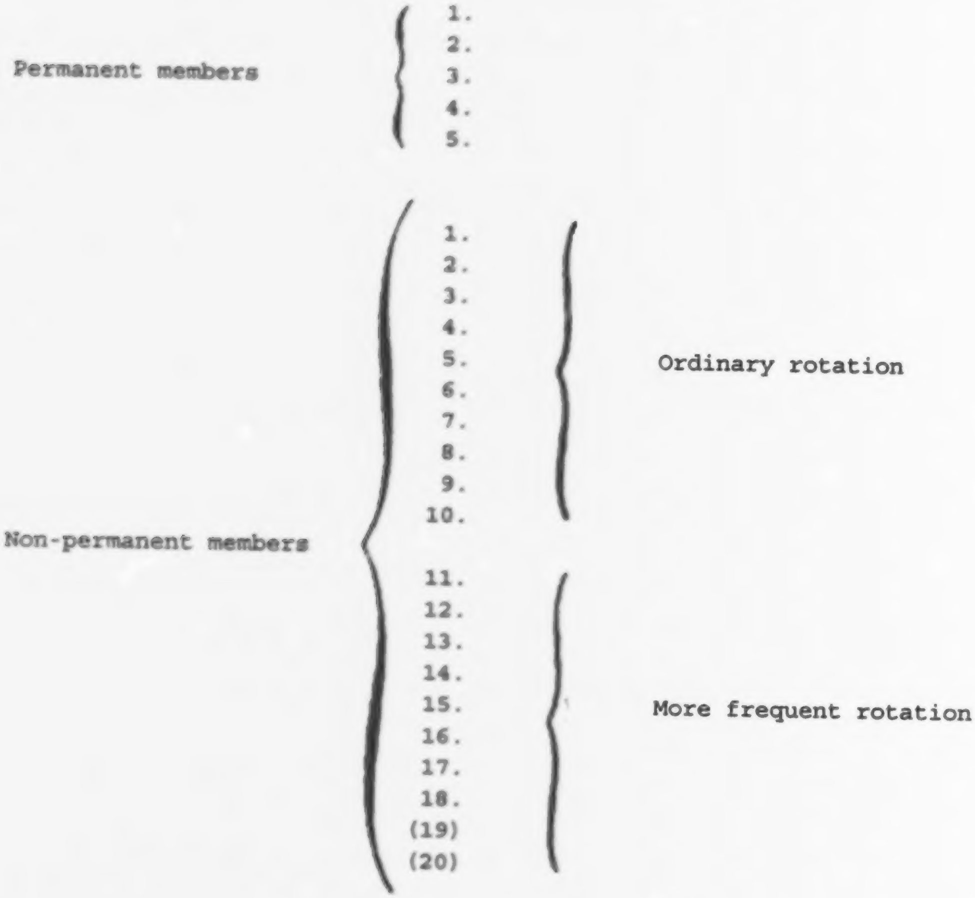
7. The Italian proposal may be better illustrated by this diagram:


Permanent members
1.
2.
3.
4.
5.
Non-permanent members
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
Ordinary rotation
11.
12.
13.
14.
15.
16.
17.
18.
(19)
(20)
More frequent rotation

8. Should there be a total of 25 members on the new Council, 10 additional non-permanent seats would be needed and 30 Seats would rotate on them; should there be a total of 24 members, 9 non-permanent seats would have to be added, to rotate among 27 States; should there be a total of 23 members, 8 non-permanent seats would have to be added, to rotate among 24 States; and so forth.

9. In other words, for the additional non-permanent seats the ratio would be of one seat per three rotating countries. The geographic distribution of these seats could be made once the total number of new seats has been defined. Naturally the subdivision should favour geographic areas that are currently underrepresented, out of respect for the principle established in Article 23 of the Charter.

## III. CRITERIA FOR IDENTIFYING COUNTRIES TO ROTATE WITH GREATER FREQUENCY

10. By way of example, one could consider the following criteria:

(a) The contribution of Member States to the maintenance of international peace and security and to the other purposes of the Organization (Article 23 of the Charter);

(b) Equitable geographic distribution (Article 23 of the Charter);

(c) The capacity and willingness of States to contribute specifically to peace-keeping operations with military personnel, equipment and financial resources;

(d) The ability and willingness to participate in voluntary funds for humanitarian activities, economic development and the protection of human rights.

11. Needless to say, additional criteria could be taken into consideration.

## IV. ADVANTAGES FOR THE UNITED NATIONS

12. Following are some of the benefits to the Organization:

(a) An enlarged Council more representative of the increased general United Nations membership;

(b) Avoidance of new situations of "eternal" privilege, as would occur instead if additional permanent seats were created;

(c) A greater and more democratic participation of all Member States in the activities of the Council, which is a basic premise for more effective decisions;

(d) A more equitable geographic distribution of the seats in the Council. It is easier to obtain this result on a basis of 24-30 countries than on the more limited basis of two or five additional permanent member countries;

(e) An important incentive for more frequently rotating members to maintain or increase their commitment to achieving the objectives of the Charter, in particular for the maintenance of international peace and security. Such members might be asked to make an increased contribution to peace-keeping operations; this would be a tangible sign of the greater responsibilities deriving from their more frequent presence in the Council;

(f) Lowering the growing contentiousness that seems to characterize elections to the Security Council.

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## V. ADVANTAGES FOR ALL MEMBER COUNTRIES

13. The proposal also presents a set of concrete advantages for all Member States of the United Nations, namely:

(a) Smaller countries would be given a more fair chance of being elected to a non-permanent seat by removing and shielding them from the unequal competition of the larger ones in each regional group. Even better, rotation agreements could be reached, and respected, within each group, thus ensuring that also for ordinary rotation the "clean slate" formula could be adopted;

(b) Countries rotating more frequently would be given recognition of their more substantial role in support of the United Nations. They could also plan - in a more regular and long-term way - their policy of support for the United Nations and their contribution, financial and otherwise, to the achievement of the goals of the Organization, in particular to those of the Security Council. Furthermore, these countries could establish among themselves special liaisons, in groups of three, for rotating the additional non-permanent seats;

(c) The permanent members could see their present burden for peace-keeping operations reduced, since it could be shared not with 2 or 5 additional members, but with 24-30 more frequently rotating countries.

## VI. REASONS FOR OPPOSING THE EXTENSION OF VETO POWER

14. Veto power - invoked as an inalienable prerogative of permanent membership by some countries aspiring to that status - is an institution that may have been justified during the cold war years. Nowadays, the hope of many is that it may become obsolete through non-use.

15. While in recent years the permanent members have shown considerable restraint in making recourse to the veto, it is also true that nothing guarantees that this tendency will continue and become irreversible. Moreover, the simple threat to use the veto can have a strong impact on the Security Council's proceedings and the final outcome of its debates.

16. This is why Italy is opposed to extending veto power to other countries. One of the main advantages of the Italian proposal - to increase non-permanent members - is that the issue of such an extension would not arise at all.

17. Moreover, while it may appear unrealistic to hope that the current holders of the veto will be willing to renounce it spontaneously, Italy shares the opinion of those who believe that its use should nevertheless be regulated and contained as much as possible: by trying to limit its area of application, for example, or requiring at least two vetoes to block the adoption of a resolution.

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## VII. FINAL CONSIDERATIONS

18. If the Italian proposal were adopted, the General Assembly would maintain its central role and link with the Security Council for the following reasons:

(a) It would be up to the General Assembly to determine, by a resolution and on the basis of objective and agreed upon criteria, the list of 24-30 countries rotating more frequently;

(b) The General Assembly would periodically, every 10 to 15 years, review such a list and make changes in its composition;

(c) All non-permanent members of the Council - without exception - would have to submit to elections by secret ballot in the General Assembly and obtain a two-thirds majority.

19. Critics of this formula imply that it ultimately creates a third category of members. This is simply not so. First of all, in their selection, review and election for every term, these countries would be totally subject to the decisions of the General Assembly. Secondly, up to now countries rotating more frequently than others have always existed within geographic groups. What the Italian proposal aims for is an easing of rivalries and a fostering of a more fair and equitable participation in the Council for everyone. In fact, the major beneficiaries of such a reform would include the smaller States, which have thus far been kept out of the Council. Shielded from the competition of larger countries, they could in turn establish fair rotation agreements among themselves for "clean slate", with a realistic hope of being elected.

20. Last but not least, such a reform would be easy to implement. All that would be needed is to amend two articles in the Charter of the United Nations: Article 23 (composition), to reflect the increase in non-permanent members, and Article 27 (voting), to indicate the new majority required for decisions.

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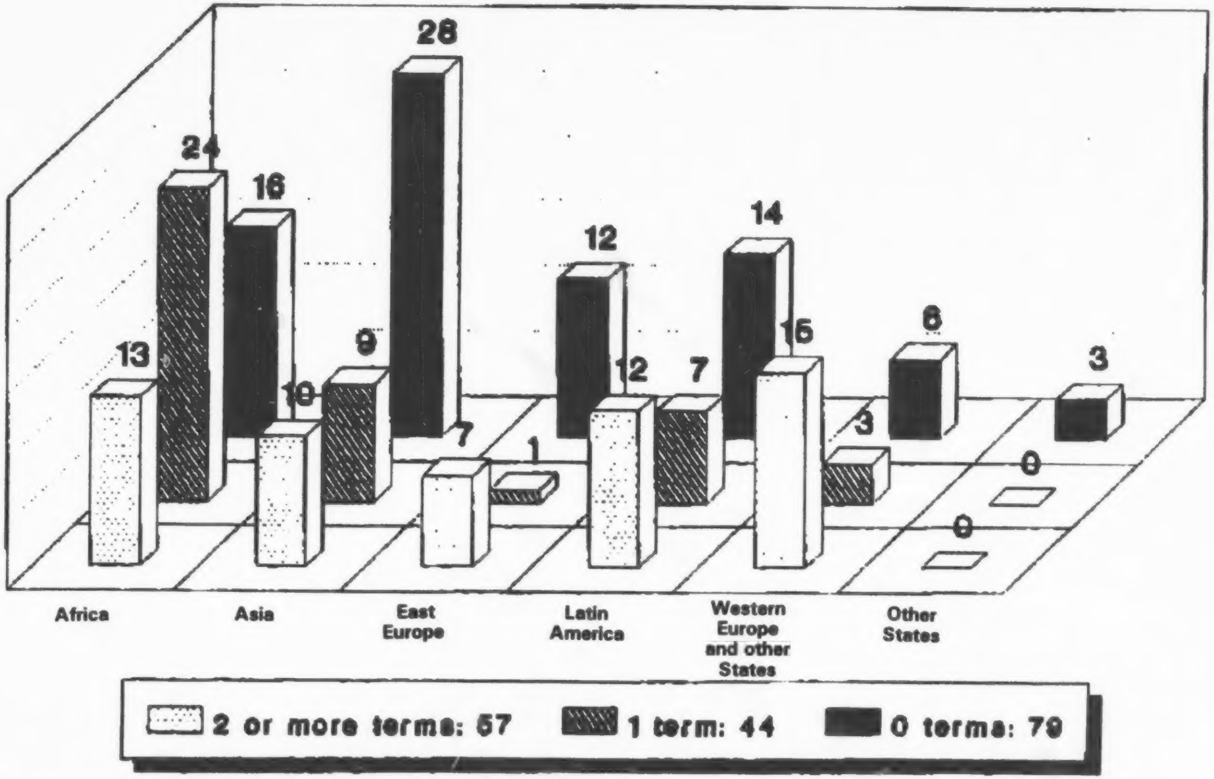
## APPENDIX I

Terms in the Security Council

Non-permanent members



May 1995

## APPENDIX II

### A. Member States that have not served on the Security Council

1. Afghanistan
2. Albania
3. Andorra
4. Angola
5. Antigua and Barbuda
6. Armenia
7. Azerbaijan
8. Bahamas
9. Bahrain
10. Barbados
11. Belize
12. Bhutan
13. Bosnia and Herzegovina
14. Brunei Darussalam
15. Cambodia
16. Central African Republic
17. Chad
18. Comoros
19. Croatia
20. Cyprus
21. Democratic People's Republic of Korea
22. Dominica
23. Dominican Republic
24. El Salvador
25. Equatorial Guinea
26. Eritrea
27. Estonia
28. Fiji
29. Gambia
30. Georgia
31. Grenada
32. Guatemala
33. Guinea-Bissau
34. Haiti
35. Iceland
36. Israel
37. Kazakstan
38. Kyrgyzstan
39. Lao People's Democratic Republic
40. Latvia
41. Lesotho
42. Liechtenstein
43. Lithuania
44. Luxembourg
45. Malawi
46. Maldives
47. Marshall Islands
48. Micronesia (Federated States of)
49. Monaco
50. Mongolia
51. Mozambique
52. Myanmar
53. Namibia
54. Palau
55. Papua New Guinea
56. Qatar
57. Republic of Korea
58. Republic of Moldova
59. Saint Kitts and Nevis
60. Saint Lucia
61. Saint Vincent and the Grenadines
62. Samoa
63. San Marino
64. Sao Tome and Principe
65. Saudi Arabia
66. Seychelles
67. Singapore
68. Slovakia
69. Slovenia
70. Solomon Islands
71. South Africa
72. Suriname
73. Swaziland
74. Tajikistan
75. The former Yugoslav Republic of Macedonia
76. Turkmenistan
77. Uzbekistan
78. Vanuatu
79. Viet Nam

## B. Member States elected only once to the Security Council

1. Bangladesh
2. Belarus
3. Benin
4. Botswana
5. Burkina Faso
6. Burundi
7. Cameroon
8. Cape Verde
9. Congo
10. Costa Rica
11. Djibouti
12. Gabon
13. Greece
14. Guinea
15. Honduras
16. Iran (Islamic Republic of)
17. Jamaica
18. Kenya
19. Kuwait
20. Lebanon
21. Liberia
22. Libyan Arab Jamahiriya
23. Madagascar
24. Mali
25. Malta
26. Mauritania
27. Mauritius
28. Nicaragua
29. Niger
30. Oman
31. Paraguay
32. Portugal
33. Rwanda
34. Sierra Leone
35. Somalia
36. Sri Lanka
37. Sudan
38. Thailand
39. Togo
40. Trinidad and Tobago
41. United Arab Emirates
42. United Republic of Tanzania
43. Uruguay
44. Yemen

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## 8. Mexico

A/AC.247/5 (h)

[Original: Spanish]

[15 September 1995]

It is my pleasure to attach herewith the Mexican proposal for a new composition of the Security Council which was submitted in April 1995 to the Working Group of which you are Vice-Chairmen (see annex). I should be grateful if you would have this proposal included in the Working Group's compendium of documents which will be issued shortly.

(_Signed_) Manuel TELLO
Permanent Representative of
Mexico to the United Nations

# ANNEX

## Proposed new membership of the Security Council

[Original: English]

| Region | Existing | First two-year period | Second two-year period |
|---|---|---|---|
| Africa | 3 | 4 | 4 |
| Asia | 2 | 3 | 3 |
| Latin America and the Caribbean | 2 | 3 | 3 |
| Western Europe and other States | 2 | 3 | 2 |
| Eastern Europe | 1 | 1 | 2 |
| Permanent members | 5 | 5 | 5 |
| Japan | - | 1 | - |
| Germany | - | - | 1 |
| Total | 15 | 20 | 20 |

## 9. Movement of Non-Aligned Countries

A/AC.247/5 (i)
[Original: English]
[13 February 1995]

### CLUSTER I

### REFORM OF THE SECURITY COUNCIL

### THE QUESTION OF THE COMPOSITION OF THE SECURITY COUNCIL

As regards the expansion of the Security Council, the Non-Aligned countries are guided by the positions enunciated in the final documents adopted at the Jakarta Summit and at subsequent Ministerial meetings in Cairo and New York.

1. Guiding principles established by the movement of the non-aligned countries:

    A. Equitable geographical distribution

    B. Sovereign equality of states

2. The non-aligned countries are grossly under-represented in the Council. This under-representation should, therefore, be corrected by enlargement of the Security Council which should enhance the credibility of the Council, to reflect the universal character of the world body, and to correct existing imbalances in the composition of the Security Council in a comprehensive manner.

3. The extent, nature and modalities of the expansion of the Security Council should be determined on the basis of the above principles. Attempts to exclude NAM from any enlargement in the membership of the Security Council would be unacceptable to the movement.

4. The negotiating process should be fully democratic and transparent and negotiations on all aspects should be held, in all cases, in an open-ended setting.

5. If there is no agreement on other categories of membership, expansion should take place only, for the time being, in the non-permanent category.

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6. Increase the membership of the Security Council by not less than 11 based on the guiding principles (see Annex).

7. The last sentence of Article 23.2 (immediate re-election) of the United Nations Charter may be examined in the context of the over-all agreement on the expansion of the Council.

8. After an over-all agreement on the reform of the Security Council has been reached, there should be a periodic review of the composition of the Council in accordance with the relevant provisions of the Charter.

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# ANNEX

As an example, the mathematical formula when applied* would lead to the following result:

| REGIONAL GROUPS | NO. OF COUNTRIES | PROPOSED MEMBERSHIP NOT LESS THAN |
|---|---|---|
| WESTERN EUROPEAN & OTHER STATES GROUP | 27 | 4 |
| EASTERN EUROPEAN GROUP | 20 | 3 |
| ASIAN GROUP | 49 | 7 |
| AFRICAN GROUP | 53 | 7 |
| LATIN AMERICA AND THE CARIBBEAN GROUP | 33 | 5 |
| TOTAL | 182 | 26 |

* $X = Y/Z \times W$

X = PROPOSED NEW MEMBERSHIP FOR EACH REGION
Y = PRESENT NUMBER OF MEMBERS PER REGION
Z = TOTAL NUMBER OF MEMBERS OF THE UNITED NATIONS
W = PROPOSED TOTAL NEW MEMBERSHIP

## CLUSTER II

## RECOMMENDED MEASURES TO ENHANCE THE EFFECTIVE AND EFFICIENT FUNCTIONING OF THE SECURITY COUNCIL

Both the reform and expansion aspects of the Security Council, including the democratization of its decision-making processes and procedures, should be examined as integral parts of a common package.

Bearing in mind Article 24(1) of the Charter, qualitative measures to enhance both the transparency of the Council's work and, as appropriate, the participation of non-members as well as the contribution of the principal organs in the decision-making process of the Council would increase the effectiveness and efficiency of the Council. This would lead to wider acceptance of the Security Council resolutions. It would also confer added legitimacy and contribute in ensuring active support to and implementation of its decisions. Towards this end and in accordance with Article 10 of the Charter, listed below are measures of a practical nature recommended for urgent consideration by the Security Council.

These measures fall under the mutually reinforcing categories of the:

1) Relationship of the Security Council with the General Assembly, other bodies and organizations as well as non-members of the Security Council; and

2) Reform by the Security Council of its working methods and procedures.

### 1. Relationship of the Security Council with:

### A. General Assembly

There is a need for enhanced cooperation between the Security Council and the General Assembly, in accordance with Articles 10, 11, 12, 14 and other relevant articles of the Charter.

In this regard, the following measures are recommended:

i) to take fully into account the provisions of the General Assembly resolution 48/264 regarding the report of the Security Council to the General Assembly; and its consideration by the latter organ.

ii) to institutionalize the practice of consultations between the Presidents of the Security Council and General Assembly or their designated representatives on matters before the Council, with a view to keeping the General Assembly apprised in an appropriate manner of developments in the Council which may be of interest to the general membership.

iii) to conduct briefings by the President of the Security Council or his/her spokesperson for the General Assembly on all matters which the Council is seized of on a regular basis, particularly on issues of an urgent nature.

iv) to consider ways and means to ensure an effective flow of information and exchange of views between the Security Council and the General Assembly on matters under consideration by the Council and its subsidiary organs.

v) to ensure steady flow of information provided to the Security Council by the Secretariat and to the General Assembly.

vi) to consider, under Article 12, requesting the General Assembly to forward recommendations to ascertain whether there is a broad consensus among the general membership on a particular course of action or on urgent matters.

## B. Members of the United Nations

1. To enhance the possibilities for those countries affected by Council actions, including the establishment and conduct of the PKO, to present their positions publicly to the Council before the Council embarks upon informal consultations; and to permit these countries to observe the informal consultations of the whole on the relevant issue.

2. The consultations between the President of the Security Council with respective Chairmen of the regional groups would be regularized to deal with the Council's substantive issues and a review of its activities.

3. The outgoing President of the Council would report on the accomplishments of the Council during his/her tenure in a briefing for the general membership in an informal public meeting.

4. Briefings on informal consultations (see section on Reform).

5. As peacekeeping operations have become more complex, the Council is invited to devise a system of consultations during the decision-making process on the establishment, the conduct and the termination of a PKO, which would include the following:

a) To institutionalize structured and direct consultations with troop contributors during the life of a PKO. These consultations could be in addition to, merged with or replace the briefings and consultations sponsored by the Secretariat and should focus on key issues such as mandates and other factors directly affecting the status of an operation. This arrangement should replace the present type of *ad hoc* meetings such as the "out-of-chambers" meetings with troop-contributors.

b) Subsidiary organs, ad hoc or otherwise might be established by the Council in accordance with Article 29 to monitor developments of the most important PKOs with the participation of troop contributing Member States.

6. There is also a need for improving the operational significance of Article 50; action should be taken to respond to the expectations by this Article of the Charter, in addition to the recommendations contained in para. 75 of the position paper presented by the Secretary-General as a SUPPLEMENT TO AN AGENDA FOR PEACE and other relevant proposals, the Council is invited to consider the following measures:

a) to institutionalize the practice and make extended use of the consultations envisaged under Article 50, which should be aimed at arriving at an appropriate solution to the problem; along the lines stated in para 2a, Section IV of UNGA resolution 47/120B.

/...

b) the subsidiary organs dealing with enforcement measures such as Sanctions Committees should fully take into account the problems in implementing enforcement measures brought before it by the non-members and take decisions on them in a transparent and fair manner.

7. Records of the Sanctions Committees' meetings should be available to all members.

8. Subsidiary organs should be established to deal with other specific matters under consideration by the Council, with the participation of interested non-members for example, organs to assist the Council in monitoring sanctions or elaborating recommendations for certain issues.

## C. Regional Agencies/Arrangements

a) In accordance with the provisions of the Charter and the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, the Security Council shall encourage the development of Pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council.

b) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council.

c) Regional efforts undertaken by regional arrangements or agencies in the area of the maintenance of International Peace and Security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, where appropriate, supported by the Security Council.

d) Exchange of information and holding consultations at appropriate levels between the Council and the regional organizations in accordance with Chapter VIII.

/...

e) In the event that the Security Council is taking a decision under Chapter VII of the Charter on a certain issue, prior consultations between the Council and the regional arrangement directly concerned would be useful.

f) If action by the Security Council involves peace-keeping or peaceful settlement measures, the Council shall consult the parties concerned and, taking into account the views of the latter, consider consulting the relevant regional arrangements and agencies.

## D. Relations with International Court of Justice

Legal Considerations:

The Council shall use, as appropriate, the International Court of Justice in accordance with the relevant provisions of the Charter of the United Nations.

## 2. Reform By the Security Council Of Its Working Methods and Rules of Procedures

## A. Review of the Provisional Rules of Procedure

The Council should review its Provisional Rules of Procedure with a view to their early formal adoption. The Rules of Procedure should ensure transparency and involvement of the general membership in its decision-making process, and indicate the rights and obligations of non-members in relation to the functioning of the Security Council. The elements of such a review should include, inter alia, the following:

1) Briefings of the President of the Security Council to the General Membership should be institutionalized by amending the Security Council rules of procedures.

2) Provisions for the prompt convening of formal meetings of the Security Council when requested by a member state of the United Nations.

3) Provisions concerning the participation of non-members of the Council in informal consultations of the whole.

4) Detailed provisions regarding subsidiary organs for specific issues.

5) Clear provisions concerning the transparency of meetings, circulation of documentation, and records.

6) The veto power which guarantees an exclusive and dominant role to the permanent members of the Council is contrary to the aim of democratizing the United Nations and must therefore be reviewed. The review, as an interim measure, should include the scope of application of the veto.

7) The establishment of a general criterion for the identification of what is to be considered an action of a procedural nature with respect to the application of article 27 of the Charter (paras. 2 and 3) with a view to avoiding any arbitrary judgement and enabling the Council to carry out its functions in an efficient and prompt manner.

## B. Other Practical Measures

a) The Council should consider holding of a greater number of formal open meetings than informal consultations of the whole on an issue before a resolution is adopted or a decision is taken.

b) Written highlights of the main content of informal consultations of the whole should be circulated to the general membership.

c) Given the need for greater transparency of its decision-making process, the Council should institutionalize regular and structured briefings for the general membership on the results of its informal consultations. Such briefings could be made by the President of the Council or a designated representative.

d) The provision of the tentative monthly work programme should be institutionalized and it should include, as appropriate, the nature or type of action that might be considered during the month.

/...

e) The annotated agenda and expected action to be taken at formal Council meetings could be reflected in the Journal.

f) An effective mechanism could be established for alerting non-members of emergency and/or weekend meetings of the Security Council.

## C. Ascertaining Facts and Follow up

a) Using rule 23 of the Provisional rules of procedure in order to appoint the Secretary-General as a rapporteur for a specified question.

b) Using rule 28 of the Provisional rules of procedure to appoint a commission or a committee to ascertain facts, conduct consultations with concerned parties, and ensure proper follow up.

## D. Meetings with Non-Members

It is further recommended to hold informal meetings between members of the Security Council and members of the United Nations to exchange views regarding the implementation of the above recommended measures and other related matters. Progress made in the implementation of these recommendations should be included in the reports of the Security Council to the General Assembly.

## 10. Nordic countries*

A/AC.247/5 (j)

[Original: English]

[14 June 1995]

### Position paper

### Cluster I

- The fundamental objective of an enlargement of the Security Council should be to strengthen its capacity to discharge the duties assigned to it by the Charter for the maintenance of international peace and security.

- There should be an increase in the number of both permanent and non-permanent members.

- In enlarging the Security Council special importance should be given to the principle of equitable geographical representation.

- The total size of the Security Council should be a function of the above-mentioned requirements. It should be in the low twenties, preferably 23.

- Five new seats could be allocated as permanent seats for qualified States.

- It is important that the veto does not weaken the ability of the Security Council to play the role assigned to it by the Charter. The question of additional vetoes should therefore be considered in the broader context of decision-making in the Council, including the proper role and function of the veto instrument.

- The ban on immediate re-election of non-permanent members should be maintained in the interest of the vast majority of member States.

- Regional groups should be encouraged to establish equitable systems of rotation for non-permanent members.

- The competence of regional groups freely to agree on appropriate systems of such rotation should not be circumscribed. Countries should not be assigned for privileged frequent rotation except by agreement of their regional group.

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* Denmark, Finland, Iceland, Norway and Sweden.

/...

- The question of the composition of the Security Council should be re-examined a suitable period (10-20 years) after the entry into force of changes as a result of the present consideration.

Cluster II

- The recent steps taken to enhance the relationship between the Security Council and the general membership as well as to improve its working methods and procedures are welcome.
- The Council should consider further concrete steps to involve the membership at large more closely in the work of the Council and in the follow-up to its decisions.
- The Council should also consider the formalization of the above mentioned steps, without prejudice to their further elaboration, e.g. by including them in its rules of procedure.
- In particular, formalization should be considered with regard to consultations between troop-contributing countries and the Security Council. Formalization should also be considered with regard to briefings by the presidency of the Security Council on the work of the Council.
- It is important that institutionalized consultations between troop-contributing countries and the Security Council take place when mandates are extended and/or modified, and, when-ever possible, before a decision is taken by the Council to launch a new peace-keeping operation.
- The work of the sanctions committees should be made more transparent.
- If a significant revision of the Charter is undertaken, it could be worthwhile to include a new provision, e.g. in Article 24, that the Security Council shall inform and consult interested Member States on its work.

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There is a close substantial inter-relationship between the two aspects of the Working Group's mandate. The final result of the work on the reform of the Security Council should be agreed as a comprehensive package. Nothing is nevertheless to be gained from postponing implementation of measures enjoying broad support, and not requiring Charter amendments.

## 11. Singapore

A/AC.247/5 (k)

[Original: English]

[15 September 1995]

At the meeting of the Open-ended Working Group on Security Council reform yesterday, the Working Group decided to issue a compendium containing, *inter alia*, Member States' proposals to reform the Council. I am pleased to forward a copy of Singapore's suggestions (see annex) and would like to request that these suggestions be included in the compendium. These suggestions were first made by the Singapore Foreign Minister in his plenary speech at the forty-eighth session of the General Assembly.

(*Signed*) Bilahari KAUSIKAN

ANNEX

## Proposal for the reform of the Security Council

1. The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council has discussed the critical issue of permanent membership in the Security Council since the forty-eighth session of the General Assembly. Several Member States have been proposed as new permanent members. Each of the prospective candidates has its own strengths and weaknesses. At this stage, however, no consensus exists on which specific Member State could be elevated to this status.

2. There are two basic problems. The first is simply to decide what is the current configuration of international power that should be reflected in the distribution of permanent seats. This is not as straightforward as it may seem.

3. When the Charter was being drafted, the end of the Second World War was in sight and prepared for, with easily discernible winners and losers. The intention was for the winners to have primary responsibility for guiding the new international order. The end of the cold war took everyone by surprise and was far from clear-cut in its resolution. Economic, political and military power no longer necessarily cohere in a single locus.

4. The second problem is even more vexing. If the new Security Council is really to reflect the current international distribution of power, it should logically entail the relegation of some from the élite as well as the appointment of others. Even if some were to be so elevated without necessarily displacing others, the expansion of the small group of the select would imply the relative diminution of the status of the current permanent members. This reality compels us to confront the difficult question of the veto.

5. To make progress, Singapore is of the view that there is no alternative but gradually to shape a consensus through a patient process of debate and discussion. To force the pace or attempt to impose a majority agreement will not work.

6. At this stage, it would be most useful to try to identify and build consensus on objective general criteria that all permanent members, present or aspiring, must fulfil. This is a more clinical and constructive approach than attempting to identify and promote one specific Member State or another. To attempt to do so at this stage is premature and as the Working Group's experience of the past two years has demonstrated, is only divisive. The identification of objective criteria will set a common standard, and if we can agree on them, a consensus on specific countries will naturally emerge.

7. Singapore suggests the following criteria that could be used for selecting new permanent members of the Security Council:

(a) A permanent member must have a long-established tradition of good conduct in keeping with the purposes and principles of the Charter of the United

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Nations and in particular in the maintenance of international peace and security;

(b) The Charter confers upon the Security Council the primary responsibility for the maintenance of international peace and security. A permanent member must therefore first of all have the capacity and will to wield military force in support of the United Nations to maintain international peace and security. All permanent members should be prepared to give effect to Article 43 of the Charter and be ready to place their military forces at the disposal of the United Nations;

(c) A permanent member must also have the capacity and will to contribute civilian and humanitarian resources, which are increasingly needed in the growing multidimensional nature of United Nations peace-keeping operations;

(d) Privilege must be paid for. A permanent member should not shirk its financial commitments to the United Nations and must be prepared to carry a larger portion of the financial burden of the United Nations. In particular, a permanent member must bear special financial responsibilities for peace-keeping;

(e) A permanent member must be a major contributor to other aspects of the United Nations besides peace-keeping. These include international economic, financial and social cooperation, which are major elements in bringing about international peace and security;

(f) A permanent member should have the widest possible if not consensual support of all the members of the United Nations.

## 12. Turkey

A/AC.247/5 (1)

[Original: English]

[15 September 1995]

Please find enclosed herewith the Turkish position paper on Security Council reform (see annex). I would appreciate it if you could include the enclosed text in the compendium.

(*Signed*) Tuluy TANÇ
Ambassador
Chargé d'affaires a.i.

## ANNEX

### Position paper

1. Turkey presented its first written proposal pertaining to the reform of the Security Council on 28 June 1993. This proposal was published in General Assembly document A/48/264, dated 20 July 1993. Following is the revised version of the Turkish proposal on the question of enlargement of the Security Council, which was initially outlined in the statement of the Permanent Representative of Turkey to the Open-ended Working Group on 30 January 1995.

2. The prospective size of the Council should be determined on the basis of the concepts of representativity, democracy, legitimacy, efficiency and effectiveness.

3. Turkey holds the view that a Security Council with at least 25 members would be more representative as well as more effective and efficient.

4. The Security Council should be enlarged with an additional 10 non-permanent members. Thus, the existing ratio of 1:3 between permanent and non-permanent members should be reorganized as 1:5.

5. These new additional seats should rotate among a predetermined list of countries. The number of countries to be included in this list could be fixed between 30 to 40.

6. The selection of the countries to be included in the list could be made according to a set of objective criteria.

7. The criteria and the list should be flexible so that it could be updated after a certain period of time, that is, there should be a mechanism that would ensure that political and economic changes in the international scene would be reflected in the composition of the Council more regularly. The review of the list could be made either every 12 or 16 years.

8. This proposal also calls for a new assessment of the concept of constituencies in the distribution of seats in the Council. As stated in Turkey's first written proposal of 28 June 1993, present arrangements for the geographical distribution of the non-permanent seats of the Council, adopted in 1963, are outdated. With the enlargement of the membership, a new approach in this regard based on the replacement of the current large geographical groups by narrower constituencies is worth considering. Designation of separate and smaller constituencies would further enhance the representative character of the Council. It would also ensure more equitable and balanced geographical distribution.

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